

DELEGATED REPORT

Report by Amanda

Date of report: 18/02/2025

Ref:71322/FUL

Uhunmwagho

Registration: 21/11/2024

LDFC: 14/02/2025

Expiry Date: 16/01/2025

Site Visit: 12/02/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side

Location: 25 Malvern Close, Prestwich, Manchester, M25 1PH

Description

The planning application relates to a previously extended, two storey detached house situated at the head of a cul-de-sac. The house is slightly raised compared to the highway in front and most of the front of the site is paved. There are steps leading up to the front door with a small planted area adjacent and to the north side there is a ramp for access and a bin store. To the south of the house is a drive and detached garage. At the rear there is a good sized with fences to all boundaries and some planting along the east boundary. There is a detached shed adjacent to the north boundary, which would be removed in order to build the proposed extension.

The proposal is to build a single storey, flat roof extension to the north side boundary. Given the angle of the side boundary it would be wider at the rear, compared to the front. At the front it would measure 1148mm wide and at the rear it would measure 3296mm wide. It would measure a total length of around 8601mm and it would be built flush with the existing front and rear elevations. The north side elevation would be around 300mm away from the shared boundary with no.23 next door. The extension would provide a ground floor wc, utility room and a study/studio. There would be no windows in the side elevation.

Relevant Planning History

- 52506 - Two storey extension at rear and pitched roof to existing extension - Approve with Conditions 07/06/2010
- 02263/E - Single storey side extension to existing detached dwelling - Enquiry completed 01/03/2019
- 63927 - Lawful development certificate for proposed construction of a garage/shed - Lawful Development 16/04/2019
- 03015/E - Single storey side extension to existing property - Enquiry completed 09/10/2024

Publicity

4 neighbours notified on 23/01/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be finished with materials that would be considered to be in keeping with the existing building and although a pitched roof extension may be considered to be more in keeping with the original dwelling the property is set back from the highway at the head of a cul-de-sac and the site widens at the rear. This means that there would only be a very small section of the extension visible from the front. The rest of the structure would only be visible by the next door neighbour and possibly neighbours to the rear. As such it is considered that the proposal would not have any significant detrimental effect on the character of the existing streetscene and the design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The extension would be set back from the highway in front and there would be no residential properties directly to the front.
- There would be no windows in the side elevation adjacent to the shared boundary with no.23 Malvern Close next door. As such there would not be any significant detrimental impact on terms of loss of privacy.
- There are no habitable room windows to the side of no.23 overlooking the site and there is a detached garage adjacent to the site boundary at that property.
- As the extension would be around 300mm off the shared boundary with no.23 there would be no concerns regards encroachment.
- The extension would be an acceptable distance from rear boundaries so there would not be any significant detrimental impact on residential amenity at residential properties to the north east and south east of site.
- As the extension would be built on the north side of the dwelling there would not be any detrimental impact on residential amenity at no.18 Malvern Close to the south.
- The position of the extension would not have any detrimental impact on the existing parking areas within the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawing numbered 23201/004 received on 17/02/2025 as modified by the email from Mr Christopher Haigh dated 17/02/2025. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU	18/02/2025	HL	19/02/2025