

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/09/2024	Ref: 70875/FUL
Registration: 17/07/2024	LDFC: 09/08/2024	Expiry Date: 11/09/2024
Site Visit:	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: Two storey side extension; Single storey rear extension; Render to all elevations

Location: 8 Near Hey Close, Radcliffe, Manchester, M26 3YY

Description

The property is at No. 8 Near Hey Close, a semi-detached property on a large plot of land. The dwelling is a two-storey red brick house with garden to the front, drive to the side and a large garden to the rear.

Planning permission is sought for a single-storey extension to the rear and a two-storey side extension along with render to all four elevations. The single storey rear extension would accommodate a kitchen/family room and would project approximately 3.8 metres to the rear. The two-storey side element would project 4.3m to the side with a setback of 1.7m from the front elevation. This extension would facilitate an additional bedroom on the first floor along with a study, utility area and WC on the ground floor. The development would have pitched roofs, and all four elevations would be finished in render.

Relevant Planning History

24/0347 - Erection of fencing to front and rear.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance there would be a setback distance of over 1.7m and there would be additional setback to the side boundary. Therefore, it is considered that the extension will not lead to a terracing effect.

Situated to the side, the two-storey side extension would be visible from the street scene. However, the extension would be a rectangular extension with simple and unobtrusive design, which would not detract from the character of the dwelling. As such, the development would be subservient to the original building. The proposed single storey extension to the rear would also be modest structure that would be in keeping with the original structure. Both, the single storey and two storey elements would have pitched

roofs, and all four elevations of the property would be finished in render.

Given the above the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be over 20m to the properties to the front and rear.
- The two-storey side extension would have no proposed side windows and there would be sufficient setback distance from the adjacent property (No. 10). Additionally, the proposed extension would not project beyond the principal front and rear elevations and as such would not be visible from the attached property (No.6). As such, the 45 degree rule would not apply.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 3.8 metres along the shared boundary would be considered acceptable in this instance.
- There would remain an acceptable amount of outdoor private amenity space

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal will result in one additional bedroom on the first floor, however there will be no changes to site access or parking. The current parking conditions meets the maximum parking requirements

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 drawings numbered dwg no.2811AL 3000B and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	06/09/2024	DM -	09/09/2024