

DELEGATED REPORT

Report by Jane Langan	Date of report: 25/08/2023	Ref: 69881/FUL
Registration: 26/07/2023	LDFC: 17/08/2023	Expiry Date: 20/09/2023
Site Visit: 01/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of replacement detached garage at rear

Location: 106A Ainsworth Road, Radcliffe, Manchester, M26 4ED

Description

The site property is a mid terraced house with yard to the rear that opens on to a back access street. Across this is land where the terraced properties have fenced plots and most contain outbuildings including the site which has a garage and shed. To the rear of this land is the footpath to Alma Street.

The application proposes to remove the existing garage and replace with a larger one. It would be 4.3m wide and 10.7m in length and flat roofed to a height of 2.78m. The front elevation would have a roller shutter door and the rear elevation a window.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions for a roller shutter door and no vehicular/pedestrian access on to Alma Street.

Pre-start Conditions - Not relevant.

Unitary 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) and 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 Policy 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 and design - The proposed garage would replace an existing one on the plot of land to the rear of the site. It would have a larger footprint at 4.3m by 10.7m and would leave 0.3m to each side of the plot boundary and 1m to the rear. The garage would be flat roofed to a height of 2.78m which would not appear overlarge and finishing material for the walls would be mint coloured render. Render is a common domestic material and seen on adjacent outbuildings. The plans note the removal of the overgrown planting on the plot and the repair of the 1.2m fencing at the rear bordering Alma Street. With the proposed garage positioned within a fenced site, and with other outbuildings and garages adjacent, it would not appear out of character or intrusive in the street. There is a recent approval for a garage of a similar size to the rear of 102 Ainsworth Road (69432).

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Highway Issues - The original submission included a roller shutter garage door to the rear elevation. After consultation with highways, with no access off Alma Street and which they would not support, this was amended to a window. The condition as recommended by Highways for a roller shutter door is attached. With regard to the condition they recommend for 'no direct means of pedestrian and vehicular access between the site/garage and Alma Street' then it is considered that the vehicular access element is reasonable and enforceable. The pedestrian access however is not. The applicant could remove the fencing, leaving the rear open, or construct a gate under 1m as permitted development. As such the condition is amended to restrict vehicular access only.

The agent has confirmed that the applicant will not use the garage for any commercial or business use, it will only be used for storage of personal items. A condition for no business use is added.

Residential amenity - The proposed garage would not be in close enough proximity to any neighbouring properties for it to have any significant impact.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 P01B, P02B, P03A 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.
- 3 The garage shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the satisfaction of the Local Planning Authority and shall thereafter be maintained.
Reason. To ensure that the garage door does not open out into the adjacent unadopted back street, in the interests of highway safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 There shall be no direct means of vehicular access between the site/garage and Alma Street.
Reason. To ensure good highway design, in the interests of highway safety and residential amenity pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 The garage hereby permitted shall be used for domestic purposes only. It shall not be used in part or whole for any commercial or business use.
Reason: In the interests of amenity having regard to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

DELEGATED REPORT

<u>Case Officer</u> JL	<u>Date</u> 25/08/23	<u>Sign off Officer</u> DM 25/08/23	<u>Date</u>
---------------------------	-------------------------	--	-------------