

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 21/04/2023 | <b>Ref:</b> 69404/FUL          |
| <b>Registration:</b> 01/03/2023 | <b>LDfC:</b> 19/04/2023           | <b>Expiry Date:</b> 26/04/2023 |
| <b>Site Visit:</b> 27/03/2023   | <b>Site Notice:</b> 27/03/2023    | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two storey side/rear extension; Single storey rear extension

**Location:** 11 Morris Street, Radcliffe, Manchester, M26 2HF

**Description**

The property is an end terraced house. It has a shallow front garden and there is no off street parking. To the side is a gap that leads round to an enclosed rear garden. The rear boundary backs on to a back road beyond which is the rear garden to 29 Dumers Chase, a detached house at a higher level. The adjoining neighbour is No.9 and to the rear has patio doors to the party wall side. To the opposite side is a newly constructed semi detached house 15 Morris Street. It is at a higher level to the site and is set back its rear elevation extends past the rear elevation of the site.

The application proposes a two storey extension coming 2.1m out at the side from the front elevation. It would run for 12.7m along of which 4.3m would extend past the rear elevation for 4.5m across. The remainder up to the shared boundary would be single storey and 2.78m deep. The extension would form a bathroom, laundry and extended dining room, living room and kitchen at ground floor. At first floor would be an extended and additional bedroom with ensuite and an extended bathroom.

**Relevant Planning History**

None.

**Publicity**

Surrounding neighbours were notified by letter on 14/03/23. The letter to 15 Morris Street was returned as 'inaccessible site'. A letter was sent 20/03/23 to the applicant from the latest application (67546) of the adjacent site. A site notice was posted on 27/03/23. No responses have been received.

**Statutory/Non-Statutory Consultations**

None.

**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 extension would be built up to the boundary with the adjacent property which has a 1.9m gap to the side. The site is part of a terraced row therefore there is no requirement for a 1.5m set back to the first floor front.

The proposed roof would be pitched roof extending from the main ridge and forming a side gable wall. To the rear the two storey would also form a gable and the single storey a monopitch. Materials would be matching brick and slate roof tiles.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

**Parking** - The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has no off street parking. The front gardens to the terraced row are shallow and whilst there may be potential for the front garden to be surfaced for parking it would be sub standard the minimum 5m length highways normally require. The area has on street

parking and there is public transport available. Given this there are not considered to be grounds for refusal with regard to parking.

**Residential amenity** - Where adjacent the boundary with the adjoining No.9 the proposed extension would be single storey and project less than 3m at 2.78m. Where two storey the proposal would be set in from the boundary and would not encroach a 45 degree line taken 1m out along the shared boundary. There would be no window to the proposed side elevation of the single storey. The two storey, set in from the boundary, would have a door.

To the opposite side No.15 is at a higher level with a gap to the side and is set back with its rear elevation deeper. The proposed two storey extension would not encroach a 45 degree line from the mid point of closest windows to its front or rear elevations.

There would be windows four small windows to the proposed side elevation, two at each floor. As they would be close to the boundary a condition is added for obscure glazing. The agent has been advised.

There would be less than 7m from the proposed first floor window to the rear boundary at approximately 3m. To the rear is a back street and there would be 8.89m to the boundary to the garden of the property to the rear and which is also at a higher level.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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 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 SHT 1 of 2, SHT 2 of 2, SHT 2a of 2, SHT 2b of 2 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 Before the first occupation of the extension hereby permitted the 4 windows to the south east side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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| <u>Case Officer</u><br>JL | <u>Date</u><br>21/04/23 | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------------|-------------------------|-------------------------|-------------|