

DELEGATED REPORT

Report by Mo Warsame	Date of report: 07/10/2022	Ref: 68794/FUL
Registration: 17/08/2022	LDFC: 03/10/2022	Expiry Date: 12/10/2022
Site Visit: 03/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side/rear extension

Location: 47 Harper Fold Road, Radcliffe, Manchester, M26 3RU

Description

Two storey semi-detached house on residential street with a driveway to the side and with 1.8m fence around rear garden. The attached property is No.45 Harper Fold Road, a similar dwelling with garage to the rear. To the opposite side is No.49 Harper Fold Road, a detached property with two storey rear extension.

Planning permission is sought for the construction of two storey side/rear extension. On the side, the extension would project 1.7m and run 6.3m to the rear. The extension would project 1.4m from the existing rear boundary and run 4.83m. There would be a setback of 2.7m from the front elevation and a setback 2.6m from the shared side boundary with No.45 Harper Fold Road. The two storey extension would have a mono-pitch roof to the side and dual-pitch roof to the rear.

The proposal would accommodate a kitchen extension and utility/toilet on the ground floor along with a bedroom with ensuite on the first floor level.

Relevant Planning History

N/A

Publicity

Neighbours notified on 12/09/2022. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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

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

The proposed two storey side/rear extension would be of a simple and unobtrusive design and would not detract from the character of the dwelling. The proposal would have no windows on either side. The proposed development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- There are no residential properties directly to the rear of the site.
- The properties to the front would be over 20m from where the extension would be built.
- There would be over 7m to the rear site boundaries.
- The applicant would still be able to park two cars to the front of the site and there are no parking restrictions to the road in front.
- The extension would have no side windows proposed and would not project beyond No.49 Harper Fold Road to the rear. This property has a two-storey rear extension and is well setback from the shared boundary. Therefore, there would be no significant detrimental effect on residential amenity on that property.
- The proposed two storey side/rear extension would project out from the existing rear building line and the attached neighbour at No.45 Harper Fold Road by 1.4m. As this would be more than 1m the 45-degree rule and 25 -degree rule is considered. However, there would be no detrimental impact as the extension would be setback 2.6m from the shared boundary.
- In terms of the general prominence and impact on daylight the proposed extension is to the west of No.45 Harper Fold Road. The proposed extension would have some impact on this neighbour's rear garden in the afternoons, but any overshadowing would not be seriously excessive above and beyond the existing situation.

The development would be acceptable and comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Parking

The existing parking arrangements on site would remain as they are, which would be two spaces on the driveway in front. As such in this instance the parking arrangements are considered sufficient.

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 001, 101 and the development shall not be carried out except in accordance with the drawings hereby approved.

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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 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>
MW	07/10/2022	DM	10/10/2022