

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 04/08/2022

Ref:68467/FUL

Registration: 16/05/2022

LDfC: 05/07/2022

Expiry Date: 11/07/2022

Site Visit: 24/06/2022

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 rear and conversion of garage.

Location: 38 Warwick Road, Radcliffe, Manchester, M26 4HL

Description

The application relates to a two-storey detached house within a triangular plot on a residential cul-de-sac of generally similar properties. The dwelling is front/ rear gable fronted and has an existing two-storey side extension. The unattached neighbour at No.36 has an existing small single storey side extension and the unattached neighbour at No. 40 has a setback position and an existing two storey side extension within the existing building line. The rear garden is bounded by a 1.8m high fence and contains a large shed but no shrubs. The existing double width driveway has a length of 5.6m.

Planning permission is sought for a single-storey rear extension that would project out 4m and have a hipped roof. Materials would match existing. The extension would accommodate a dining area with a window facing the rear and patio doors to the side. There would be a separation of 8.6m to the shared boundary, although there is no boundary treatment proposed.

Separately the applicant proposes conversion of the garage into a home office, changing the garage doors to a window. The driveway would remain unchanged.

It should be noted that although the applicant has applied for a garage conversion this is retrospective as that part of the application has already been completed and should therefore be assessed as though the development has not yet taken place.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 13/06/2022 sent to 8 (eight) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
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 compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed single storey extension would be generally in-keeping with the existing house. Situated at the rear, the proposed extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property.

Materials would match existing and would include patio doors which are considered to be an appropriate modern addition to a suburban dwelling.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed extension would project out from the existing building line by 4m in excess of 3m, beyond which the 45-degree rule would apply. However, assessment of the 45-degree rule is not necessary as the unattached neighbour at No.40 has a rear elevation setback position plus an existing two storey extension. The unattached neighbour at No.36 on the other side is not directly affected. The proposed extension is therefore acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6.

- New side windows are proposed for the new dining room including a window facing the rear and patio doors to the side which would be 4.24m and 8.7m respectively to the shared boundaries.

- In terms of the general prominence and impact on daylight the proposed extension is set 1.22m off the shared side boundary and is to the north of No.40. The proposed extension would only have an impact on the applicants own rear garden, and any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed other than the loss of one garage space, although there would remain sufficient off-road parking for two cars. Given the situation and the fact there are no changes to parking layout other than driveway width/length, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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

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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 Job Number 51121 Drawing 02 Rev: D 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 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>
Stveen Gunn-Russell	04/08/2022		