

DELEGATED REPORT

Report by Tom Beirne	Date of report: 26/09/2023	Ref: 70027/FUL
Registration: 22/08/2023	LDFC: 25/09/2023	Expiry Date: 17/10/2023
Site Visit: 26/09/2023	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: Conversion of flat roof to pitched roof and render to external elevations to existing detached garage

Location: Rossall, Higher Ainsworth Road, Radcliffe, Manchester, M26 4JJ

Description

The application relates to a detached two storey stone built house with a detached flat roof garage to the side. The garage is accessed from Higher Ainsworth Road. The immediate neighbour to the side at No.99 is a large detached house with a blank wall adjacent to the shared side boundary. The house is on the Council's Local List and is a Non-designated Heritage Asset (LL215) as are the neighbouring properties. The garage is not an NDHA.

The proposal is to add a pitched, part hipped slate roof to the garage and render the brick walls at the side and rear. The roof would have a ridge height of 4.2m with 2.4m eaves. Stone quoins would be added to the front corners.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 01/09/2023. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer -

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/3	Listed Buildings
EN1/2	Townscape and Built Design

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 heritage - The new slate roof over the garage, together with the rendered side and rear walls more reflect the adjacent properties and would be more in keeping with the adjacent properties and streetscape than the existing flat roof garage. The proposal would not have a harmful impact on the adjacent NDHAs and protect the character of the streetscape. The proposal is acceptable and comply with UDP Policies H2/3, EN2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - Given the nature of the proposal and the modest scale of the new roof, there are no residential amenity issues arising. No comments have been received from neighbours. The proposal is acceptable and complies with UDP Policy H2/3 and guidance relating to domestic extensions and alterations.

Access - There are no changes to the access from Higher Ainsworth Road.

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

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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 Site plan received 22/08/2023 and drawing numbered P-01/P1 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 slate roof shall match the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	26/09/2023		