

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 21/04/2022

Ref:68090/FUL

Registration: 14/02/2022

LDfC: 14/03/2022

Expiry Date: 11/04/2022

Site Visit: 03/03/2022

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: Outbuilding to the rear (Retrospective)

Location: 235 Durers Lane, Radcliffe, Manchester, M26 2GE

Description

The application relates to a two-storey end terraced house on a residential street. The attached neighbour has a single storey extension at the rear and there are no trees and shrubs on the boundary which is a vertical boarded fence comprising concrete posts and base panels.

Planning permission is sought for a single storey outbuilding within the rear yard that would measure 4.9m by 4.6m (the full width of the yard) with a height of 2.4m and have a flat roof. Materials would include great composite cladding, and grey UVPC horizontal weatherboarding. There would be 4 high level windows (two at side, two at rear), plus two velux rooflights. There would be zero separation to the rear boundary which is a back lane/ public highway.

It should be noted that this is a retrospective application, and that although initially considered to be unacceptable the applicant has submitted improvements to mitigate the impact of the development.

Relevant Planning History

None relevant.

Publicity

Immediate neighbours notified by letter dated 21/02/2022 sent to 5 (five) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No response

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

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/1 The Form of New Residential Development

H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EN1/2	Townscape and Built Design
HT6/2	Pedestrian/Vehicular Conflict

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 design and appearance the extension is out of keeping with the existing house. However, situated at the side and rear, the extension would not be readily visible from the main public arena, and its size and scale is considered to be appropriate for this property and streetscene. Although materials do not match the existing dwelling they are generally considered acceptable for a typical outbuilding. The existing boundary fencing (approximately 190cm high) would provide existing screening without the need for further mitigation.

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

Residential amenity - UDP policy H1/2 states that when assessing housing applications, the Council will have regard to the suitability of the site in land use terms with regard to amenity. Additionally, Policy H2/1 states that importance of the impact of developments on residential amenity. With this regard the original application design was considered to have inadequate space for private outdoor amenity space. Consequentially the design has been amended to reduce the size of the proposed outbuilding to enable adequate outdoor private amenity space within the curtilage and to enable adequate natural light to enter the rear living room window. As this is a retrospective application the applicant has agreed to a condition requiring this to be implemented within 3 months.

Policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. In terms of overlooking and privacy there are no issues as the structure would only have high level glazing and rooflights plus and the existing boundary fencing (approximately 190cm high) would provide existing screening without the need for further mitigation. The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the north of the main house. Any overshadowing would not be seriously excessive above and beyond the existing situation.

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

Highways - The proposal would not affect the existing parking arrangements other than the loss of an off-road parking space, although this is typical of terraced housing and it is considered that sufficient parking is available on street.

Additionally, the applicant has agreed to provide adequate off-road space for bins and provided plans showing the side gate will open inwards in order to maintain highway safety.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, 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 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 Within 3 months of the date of this decision, the development hereby approved shall be implemented and carried out in accordance with approved plan drawings dated 01/04/2022.
Reason - To ensure adequate space about the dwelling is provided for amenity space and pursuant to UDP policies H2/1 The form of New Residential Development, H2/2 The layout of New Residential Development, and H2/3 Extensions and Alterations.
- 2 This decision relates to drawings dated 01/04/2022 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 and retrospective amended design for the proposal hereby approved shall match the plans as submitted on 01/04/2022.
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.
- 4 The side gate indicated on the approved plan submitted on 01/04/2022, incorporating an inward opening gate, shall be implemented to the written satisfaction of the Local Planning Authority development hereby approved being brought into use and thereafter maintained available for use at all times.
Reason: To ensure there is no obstruction of the public highway, in the interests of highway safety, and to ensure a satisfactory development pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	21/04/2022	DM	21/04/2022