

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 28/06/2022 | <b>Ref:</b> 68073/FUL          |
| <b>Registration:</b> 04/04/2022 | <b>LDfC:</b> 27/06/2022           | <b>Expiry Date:</b> 30/05/2022 |
| <b>Site Visit:</b> 20/04/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <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/single storey rear extension: Additional window to first floor front elevation

**Location:** 297 Bury New Road, Whitefield, Manchester, M45 7SE

**Description**

The property is a mid terraced house. It has no front garden and leads directly on to the public footpath. To the rear is an enclosed yard beyond which is a public car park. The adjoining properties are 295 and 299 which have yards at the rear and are the same layout to their rear elevations.

The application proposes an extension to the rear which would be two storey for 1m deep the ground floor would extend out further to a total length of 4.5m. The extension would form a dining/family room and extended bedroom with ensuite. To the front an additional window would be added to the first floor to a relocated bathroom.

**Relevant Planning History**

67983 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - 09/03/2022.

**Publicity**

Surrounding neighbours were notified by letter on 07/04/22. Further letters were sent 13 & 15 June regarding the amended size and design of the proposed extension and the addition of the window to the front. 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** - To the front an additional window would be added which would be smaller and appropriately positioned in relation to the adjacent first floor window and the entrance door below.

To the rear the two storey would have a dual pitched roof forming a rear gable and the deeper single storey would be flat roofed. Materials are only noted as masonry therefore a standard matching condition is added.

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 site has no off street parking and there is no scope to create any.

**Residential amenity** - The neighbouring properties to each side are not extended to the rear and the proposal where two storey would be 1m deep which would comply with the criteria as set out in SPD6. The ground floor would extend to be 4.5m deep. SPD6 deems 3m to be generally acceptable, and this is also the permitted development depth for this type of property. A material consideration is however the larger homes scheme which can allow a single storey up to 6m in depth where no neighbour objections are received. None have been received in this case. Such an application was granted on 09/03/22 (67983) for

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a 4.5m deep extension. 6m would fall outside the permitted development limits for development not to take up more than 50% of the area of the curtilage, not including the area of the dwelling. As such there are not considered to be grounds for refusal at 4.5m.

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 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 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 P.001 and revised plan P.002 received 13/06/22 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 proposed extension walls, and roof where pitched, 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><br>JL | <u>Date</u><br>28/06/22 | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------------|-------------------------|-------------------------|-------------|