

DELEGATED REPORT

Report by Amanda

Date of report: 05/01/2023

Ref:69038/FUL

Uhunmwagho

Registration: 11/11/2022

LDfC: 02/12/2022

Expiry Date: 12/01/2023

Site Visit: 06/12/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at rear; 2 no. first floor windows to side elevation

Location: 2 Hutchinson Close, Radcliffe, Manchester, M26 3BY

Description

The application relates to a two storey detached dwelling. There is a small open plan front garden with drive to the side leading to a detached garage at the rear. The rear garden has fences to all boundaries. The application property is built at a slight angle compared to no.4 Hutchinson Close next door and directly to the rear of the site is an access road leading to other residential properties.

The proposal is to build a two storey rear extension. It would project 2.3m from the existing rear elevation and it would measure 6.2m wide. At ground floor the existing kitchen and dining room would be extended and to the first floor two existing bedrooms would be extended. A new en-suite bathroom would be created and window installed to the side elevation.

Relevant Planning History

N/A

Publicity

Neighbours notified on 11/11/2022 - No comments or objections 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

H5/1 Area Improvement

EC2/1 Employment Generating Areas

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

As the extension would be built wholly on the rear elevation it would not be fully visible in the public realm to the front. Given that there is an access road to properties at the rear and views to and from the site are open, the extension would be visible from properties to the rear. However, it would be built with materials and a design that would be considered to be in keeping with the existing building. Therefore, it would not have any significant detrimental effect in terms of visual amenity in the immediate area.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- There would be 8m from the rear elevation to the rear site boundary. This would be acceptable in terms of SPD 6.
- Properties to the rear would be a sufficient distance from the extension for there not to be any significant detrimental impact on residential amenity at those properties. There is also an access road separating the site from these dwellings.
- The extension would be more than a sufficient distance from properties to the east not to have any significant detrimental impact on residential amenity.
- At its closest point the extension would be around 600mm away from the shared boundary with no.4 Hutchinson Close, to the west and it would project around 1.8m beyond the rear elevation of no.4. SPD states that normally, where a neighbouring property is not extended a two storey extension should not project more than 1m adjacent to a shared boundary in order for there not to be any detrimental impact on light/views to and from habitable room window on the adjacent property, as well as the impact on garden areas. In this instance as the minimum gap from the side of the extension to the shared boundary would be around 600mm the projection past the rear of no.4 would be equivalent to 1.2m. As the site is due east of no.4 any impact on light to the rear of no.4 would be minimal as the natural path of daylight would be to the south of the properties. It is not clear what the closest ground floor window to the shared boundary is but the garden area is very open. Even if the applicant were asked to reduce the projection of the extension by 200mm, to meet the advice set out in SPD 6 the impact on no.4 next door and its garden would be no different to how it is proposed. With this in mind the extension would be considered acceptable in this instance.
- The new first floor window to the side elevation would be to an en-suite bathroom and therefore the glazing would be obscured. A condition would be added to ensure obscure glazing would be fitted and would remain as such at all times.
- The proposed extension would not affect the existing parking arrangements within the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive and detached garage.

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.

DELEGATED REPORT

- 2 This decision relates to drawings numbered Sheet 1 and Sheet 2 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.
- 4 Before the first occupation of the extension hereby permitted the new first floor window on the west side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
AU - 05/01/2023			