

DELEGATED REPORT

Report by Helen Leach	Date of report: 09/09/2022	Ref: 68682/FUL
Registration: 19/07/2022	LDfC: 09/09/2022	Expiry Date: 13/09/2022
Site Visit: 02/09/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension and conversion of existing garage to living accommodation

Location: 12 Brynhall Close, Radcliffe, Manchester, M26 4NG

Description

The application site relates to a link semi-detached dwelling, which is located on a cul de sac. The dwelling is constructed from red brick with white cladding and a tile roof. There is a front porch, which connects to the existing garage at the site. There is a driveway and garden to the front and a rear garden.

The site is surrounded by residential properties.

The proposed development involves the erection of a single storey rear extension, which projects 3 metres from the rear elevation and the conversion of the garage into living accommodation.

The proposed rear extension would infill the gap between the kitchen and the boundary and project 3 metres from the rear elevation. The existing garage door would be replaced with a single window.

Relevant Planning History

None relevant.

Publicity

The neighbouring properties were notified by means of a letter on 18 August 2022. There has been no response.

Statutory/Non-Statutory Consultations

None required.

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 - 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.

The proposed rear extension of is a simple and unobtrusive design that would not overwhelm the dwelling. The proposed extension would have windows that would be suitably aligned and patio doors would be provided in the rear elevation of the dwelling, which would be acceptable. The proposed extension would be constructed from brick with a pitched roof, which would match the existing dwelling. The proposed extension would be located at the rear and would not be visible in the streetscene. The proposed extension would not have a detrimental impact upon the character of the dwelling and would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity - SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

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- The proposed extension would project 3 metres from the rear wall of the existing dwelling, which would comply with the guidance in SPD6.
- The adjacent dwelling (No. 10) is set back from and as such, the proposed extension would project 4 metres from the rear wall of No. 10. The nearest window in No. 10 would be a kitchen window, which is not habitable. As such, the proposed development would comply with the 45 degree rule, when drawn from the habitable room window.
- The proposed extension would not have an adverse impact upon the amenity of the occupiers of No. 14.
- There would be 22 metres from the proposed garage conversion to the front of No. 11, which would comply with aspect standards.
- The proposed development would retain a driveway of over 6 metres, which would be acceptable.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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.
- 2 This decision relates to drawings numbered 2222-001, 222-002, 2222-003, 2222-004, 2222-005 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>
HL - 09/09/2022			