

DELEGATED REPORT

Report by Mo Warsame	Date of report: 04/12/2023	Ref: 70153/FUL
Registration: 11/10/2023	LDFC: 14/11/2023	Expiry Date: 06/12/2023
Site Visit: 01/12/2023	Site Notice: N/A	Press Date: N/A
09:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension

Location: 39 Shetland Way, Radcliffe, Manchester, M26 4UH

Description

The property is a two-storey detached house on a corner plot adjacent the access into Martingale Close. It has a deep single extension at the rear on the side to the adjacent neighbour. To the Martingale Close side is a brick boundary wall with wooden panel fencing to the rear and the shared side boundary all approximately 1.8m. The property to the rear (No.2 Martingale Close) is set side on and has a black wall along the rear boundary with No.39. The properties on either side are No.41 which has a conservatory and No.37 which is separated by a highway.

Planning permission is sought for a two-storey side extension with a front dormer window. The proposed two-storey extension would project 4.13m to the side and run 8.83m to the rear to align with principle rear elevation. The development would have a pitched roof with a dormer window to the front. The proposal would accommodate an additional bedroom with ensuite bathroom together with a utility room on the ground floor. There would a new enlarged principal bedroom on the first floor and the proposed extension utilise the use of matching materials.

Relevant Planning History

52187 - Single storey extension at rear - Approve with Conditions 10/03/2010

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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, including relevant policies in the emerging Places for Everyone Joint

Development Plan.

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.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original dwelling. The proposed two-storey side extension would have a setback of 1.25m on the first floor. However, given the property's corner location together with the large 4m setback distance to the side, the proposed development would appear subservient.

Situated on a corner plot, the proposed development would be visible from the street scene. SPD 6 states, that side extensions on corner plots should maintain a gap of at least 2 metres to the side boundary with the adjacent highway. The proposed two-storey side extension would be setback 4 metres from the side boundary. This would exceed the guideline set by SPD 6 and would therefore be acceptable. As such, it would not detract from the character of the area and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

The proposed development would also include a front dormer window which would align with the existing front dormer window. This would be acceptable as it would match the character of the original dwelling. Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies 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.

- The two-storey side extension would have no proposed side windows, effectively projecting a blank wall. Moreover, there would be a setback distance of 4m to the public highway and the extension would not project beyond the principal front and rear elevations.
- To the rear, the proposed development would be facing towards the front garden and side gable of No.2 Martingale Close. However, there would a setback distance of 8 metres to the shared rear boundary. This exceeds the 7 metres required by SPD 6 and this property would project a blank wall. Therefore, there would be no detrimental impact in terms of overlooking and privacy.
- The properties in front of the dwelling would be over 20m away and separated a by a highway. Therefore, there would be no serious impact on residential amenity.

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal will result in one additional bedroom on the first floor, however there will be no changes to site access or parking. The current parking conditions meets the maximum parking requirements.

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 Dwg No. ZT22-196-00, Dwg No. ZT22-196-02, Dwg No. ZT22-196-03, Dwg No. ZT22-196-05, Dwg No. ZT22-196-06, Dwg No. ZT22-196-07 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>
MW	04/12/2023		