

DELEGATED REPORT

Report by Jane Langan	Date of report: 07/12/2023	Ref: 70216/FUL
Registration: 03/11/2023	LDFC: 29/11/2023	Expiry Date: 29/12/2023
Site Visit: 20/11/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 7 Ashurst Grove, Radcliffe, Manchester, M26 1UL

Description

The property is a two storey detached house located on a residential estate. It has a garden and drive to the front and to the rear is extended across part of the elevation with a conservatory. From the rear of the house is a patio and then decking and there is fencing along the boundaries. The neighbouring property to the south side is No.9, a semi detached house which has a single storey section to the side. To the opposite side the site borders the rear gardens to 2 & 4 Dingle Close, detached houses. They are around a storey lower and No.4 is extended at the rear with a conservatory. The rear boundary borders the rear garden to 1 Ardenfield Close. This house sits side on and is around a storey lower.

The application proposes to remove the conservatory and replace with a single storey extension 4.67m deep across the full width of the rear elevation. It would form a kitchen/therapy room. The plans note an existing office and store would be converted to a ground floor bedroom. The works are for the benefit of a disabled resident.

Relevant Planning History

70219 - Prior approval for single storey rear extension - Prior Approval Not Required - 01/12/2023.

Publicity

Surrounding neighbours were notified by letter and 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, 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 and design - The proposed extension would have a flat roof with 3 lantern roof lights and patio doors to the rear elevation. Materials for the walls would be brick to match the existing.

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 proposal would increase the number of bedrooms from 4 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive to the front with two spaces and which would not be affected by the proposal. The area has on street parking and there is public transport available. A further consideration is the application is for adaptations for the needs of a disabled resident which SPD6 supports where justification is provided. This has been provided with this application. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The adjacent No.9 has a window to the rear elevation of its single storey closest to the site, then to the main house patio doors then a small window. The principle window would then be the patio doors and taking a 45 degree line from their mid point the proposed extension would not encroach.

4 Dingle Close to the opposite side would face towards the side of the proposed extension and is around a storey lower. There would be a separation distance of approximately 12.3m. SPD6 normally requires 13m from a ground floor habitable room to a two storey blank wall which, given the levels difference, the proposal would effectively be in this case. A material consideration is permitted development allows detached properties to extend single storey up to 4m deep. The proposal would only be 0.67m deeper would not make any significant difference. The side wall of the extension would be blank which would improve privacy levels to this neighbouring property from the existing glazed conservatory that it already faces.

There would be approximately 4.6m from the rear of the proposal to the boundary. This would be the same as existing and therefore no change to privacy to the garden to 1 Ardenfield Close to the rear.

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 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 002, 003 Rev 1, 004 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	07/12/23	DM	11/12/2023