

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 01/09/2023	Ref: 69859/FUL
Registration: 06/07/2023	LDfC: 15/08/2023	Expiry Date: 31/08/2023
Site Visit: 28/07/2023	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: Raised decking at rear

Location: 4 St Aidens Close, Radcliffe, Manchester, M26 1YJ

Description

Detached property set within a residential cul de sac. The property has been extended single storey at the rear.

Adjacent to the site are Nos 2, 6 and 8 St Aiden's Close and to the east and set at a lower level is No 3 St Paul's Close whose rear garden abuts the site.

The application seeks a raised decking area at the rear of the property. The decking is circa 0.54m higher than the garden level.

The decking would extend from the rear extension by 3.54m and would incorporate 3 steps down to the garden level. The decking would extend the full width of the garden at the rear. The decking would be constructed of a composite cladding and coloured grey.

The decking is already built and the application is retrospective.

Background

The applicant has extended their garden into the land beyond and the red edge plan shows this to be by approximately 7m beyond the original garden boundary. Title documents have been submitted to evidence the ownership of the land to the applicant. This parcel of land is currently subject to a Lawful Development Certificate for the change of use of land to domestic curtilage. This application had not been determined at the time of the writing of this report.

For the avoidance of doubt, the decking would be wholly within the applicant's and established residential curtilage.

Relevant Planning History

67189 - Single storey rear extension; Loft conversion with rear dormer including raising of ridge roof - Approve with Conditions 04/10/2021

69860 - Lawful development certificate for existing use of land as domestic garden (previously recreational) - current application

23/0172 - Change of use of land to residential garden and unsafe retaining wall - 19/07/2023

23/0301 - Erection of fencing.

Publicity

4 letters sent to adjacent properties on 24/7/23

No responses received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

EN1/2 Townscape and Built Design

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 - The decking is located at the rear of the property and not visible to wider public views. Constructed of a composite cladding in a grey colour, the decking would be a modern addition to providing an outside area.

Within the setting of this residential dwelling, the proposed development is considered acceptable.

As such it is considered the proposed development would comply with EN1/2, H2/3 and SPD6.

Residential amenity - The decking would be circa 0.54m higher than the original patio level and has been installed due to the difference in ground levels from where the single storey extension meets the rear garden. The steps from the decking area would enable the garden to be more easily and safely accessible.

Whilst the decking would be elevated above the gardens of the three adjacent properties, Nos 2, 6 and 8 St Aiden's Close, there is substantial planting along both the side boundaries (which are in the control of the neighbours) and as such the garden areas to the neighbours would not be readily visible from the top area of the decking. No representations have been received from the adjacent properties.

To the rear is No 3 St Paul's Close. The eastern corner of their garden would be more or less in line with the bottom step of the decking and as such there could be overlooking to this garden from the raised decked area. There are mature and established trees in the corner of No 3's garden and also along the shared side boundary. The lower part of the garden to No 3 also appears not used not to be used as part of their amenity space and particularly due to the position of the heavy planting.

The raised decked area would also not be significantly higher than that allowed under permitted development rights (300mm).

This neighbour has not raised any objections to the proposed development.

It is therefore considered that on balance and with the existing boundary treatments which are in the control of the neighbouring properties, there would not be a significantly harmful impact on the privacy of the neighbours due to overlooking.

It is therefore considered that the development would comply with EN1/2, H2/3 and SPD6.

Land ownership

This has been established in the 'Background' section above.

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 This decision relates to drawings numbered Location and block plan 1093.000 A; Site section 1093.001; Block plan showing area of Lawful Development (ownership) 1093.002
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design

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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>
JT	1/9/23	DM	01/09/23