

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/11/2025	Ref: 72385/FUL
Registration: 16/09/2025	LDfC: 23/10/2025	Expiry Date: 11/11/2025
Site Visit: 28/10/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of a single storey outbuilding at rear comprising of bedroom, kitchen/living/craft area and ensuite

Location: 21 Chelsea Avenue, Radcliffe, Manchester, M26 3NE

Description

The application relates to a two-storey terraced dwelling on a road of similar styled residential properties. Neighbouring property on either side are similar styled houses with , similar, relatively long rear gardens. The property immediately to the rear has a rear garden backing onto the applicant's garden. The property at the rear has been extended in the form of a large single storey extension - see site photos.

The site is not subject to any special designations (not within a Conservation Area, Green Belt, Flood Zone, or subject to an Article 4 Direction).

The proposal involves siting a detached annexe within the rear garden, adjacent to the rear boundary. The structure, about the size of a double garage, would have a concrete base and a footprint measuring 5500mm by 7549mm with a small additional outrigger 1200mm by 2678mm. The building would have a shallow mono-pitched roof with lower eaves at 2200mm, extending to 2820mm. The structure would be sited so the lower eaves runs adjacent to the shared rear boundary with No.54 Kilburn Avenue with the higher side and windows facing the main house. The walls would be finished in a grey cladding.

It would accommodate a kitchen/diner/lounge, bedroom and en-suite and is designed to remain ancillary to the main dwelling, with shared services, a shared garden, and no independent access from the public highway.

A supporting statement, submitted with the application states that the annex is required for the applicant's elderly mother who currently lives in what is a very overcrowded household (3 adults and 3-4 children). The existing accommodation is not suitable.

The applicant's mother suffers from a range of serious and progressive health conditions, including fibromyalgia, osteoarthritis of the hips, chronic fatigue, sleep apnea, hypermobility, and depression, as well as cognitive and mobility difficulties that have reduced her ability to work and live independently. The single-storey annex is therefore essential to provide accessible, safe, and semi-independent living at ground-floor level, while allowing the applicant to remain integrated within the family setting.

The supporting statement also raises equalities and human rights.

- Equality Act 2010: Local authorities must have due regard to the needs of disabled people. Providing accessible, suitable accommodation is a material planning consideration.
- Human Rights Act 1998 (Article 8): Protects the right to private and family life. The annex directly supports this right by ensuring the applicant can live safely and with dignity alongside her family.

The statement also notes that at No.58 Kilburn Road, a large rear outbuilding has been constructed under permitted development. This demonstrates that substantial garden structures are characteristic of the area and do not harm local amenity.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 02/10/2025. No objections received.

Statutory/Non-Statutory Consultations

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Policy background - The National Planning Policy Framework - paragraphs 60 & 62: Support diverse housing to meet family and community needs.

UDP Policy H2/3 – Extensions and Alterations states that proposals should respect scale/character of the property and not harm amenity.

Supplementary Planning Document 6 indicates that garden outbuildings should be modest, subservient, and avoid harmful impacts on neighbouring amenity.

In terms of annexes, guidance suggest they should

- normally be physically connected to the main property with a direct interior link;
- remain ancillary to the original dwelling at all times;
- not have separate vehicular access;
- only have one bedroom and
- be appropriate in scale and position in relation to the plot and original dwelling.

Paragraph 10.11 of the guidance relates to special needs and states that where there is appropriate justification and confirmation that the alterations are needed by an appropriately qualified person, the Council will allow exceptions to the above criteria in cases where proposals are specifically for disabled people who require particular adaptations to their homes. In these instances applications for planning permission will be free of charge.

Need - The applicant has submitted a supporting statement with the application, setting out in detail the justification for the annexe in the light of the families difficult current circumstances. The evidence submitted with regard to the medical conditions and difficulties experienced are accepted and it is clear that the existing overcrowded situation is seriously detrimental to family life and that the annexe would significantly improve on this. It is considered that the annexe is necessary and justified in principle.

The supporting statement also notes that within the local area, several properties have erected garden outbuildings, including at 58 Kilburn Road (whose garden backs onto Chelsea Avenue), where a large garden building has been constructed under permitted development, establishing a precedent for garden structures of similar scale and siting.

Although not attached to the main house, with no separate access, it could not be easily used as a separate house. There is only one bedroom and the size and scale would be appropriate. Both national and local policy and guidance promotes proposals that improve family life and allow extended families to live together which in turn relieves pressure on other health and community services. In terms of need, the annexe is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Visual amenity - The annexe would be single storey and within the rear garden and not readily viewed from the public arena. In terms of visual amenity, the annexe, whilst viewed from surrounding neighbours, would not have such a serious impact on visual amenity to

warrent refusal of planning permission. The grey cladding on the external walls would not appear out of keeping and as such be acceptable.

The applicant, in the supporting statement, notes that a large garden building with a similar footprint could be erected at up to 2.5m height without planning permission. It goes on to state that the modest increase in ridge height (380mm) is essential to achieve a functional internal space and does not materially worsen impacts on neighbouring amenity.

As such the proposal would comply with UDP Policies H2/3 Extensions and Alterations and EN1/2 Townscape and Built Design in terms of visual amenity and streetscape.

Residential amenity - The annexe sits at the end of the applicant's garden and surrounded by neighbouring gardens which forms a spacial buffer to primary windows in surrounding houses. Whilst the structure would be relatively prominent from neighbouring gardens, the relatively low eaves and timber clad walls would not create such a dominant and incongruous feature. The annexe would not create any serious overlooking issues. It is noted that there are no objections from neighbours.

In terms of residential amenity and relation to neighbours, the annexe would be acceptable and comply with UDP Policy and guidance in SPD6.

Parking - The annexe would not require seperate parking and as such would be acceptable and comply with UDP Policy H2/3 and SPD6 in relation to parking.

Conditions - In addition to a materials condition, it is considered reasonable to attach a condition restricting the use of the annexe to that ancillary to the main house.

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 S(00)01B, 02C, 03C and 04C 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 and Places for Everyone Joint Development Plan listed.
- 3 The annexe hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 21 Chelsea Avenue, Radcliffe M26 3NE.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

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- 4 Details of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	05/11/2025		