

DELEGATED REPORT

Report by Jane Langan	Date of report: 16/09/2022	Ref: 68400/FUL
Registration: 16/05/2022	LDFC: 15/09/2022	Expiry Date: 11/07/2022
Site Visit: 29/06/2022	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 extension at front; Two storey extension at side; Single storey extension at rear

Location: 40 Shetland Way, Radcliffe, Manchester, M26 4UH

Description

The property is a two storey semi detached house located on a residential estate. It has a single storey section to the front which forms an entrance porch with wc. There is a garden at the front and a drive that runs along the side. To the rear the house is extended with a conservatory and there is a fenced garden and no properties directly at the rear. The adjoining neighbour is No.42 and to the opposite side is 16 Shetland Way, a detached house.

The application includes a single storey extension to the side of the existing 2m deep front porch extending it 2.3m across to the boundary. Along the side a two storey extension would run from the existing first floor front to rear elevations to form a study and utility at ground floor with an additional bedroom and bathroom at first floor. To the rear a single storey extension would project 4m deep across the existing and extended rear elevation to form a living/kitchen area and cloakroom. The scheme is revised from the original submission which would have been contrary to SPD6 in terms of both visual and residential amenity.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 07/06/22. A further 10 day letter was sent 05/09/22 regarding the amended size and design of the proposed extension. 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. 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.

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.

Visual amenity and design - The proposed two storey extension would be built up to the side boundary. With the adjacent No.16 of a different design it is not considered that there would be potential for terracing.

The proposed front porch extension would have a monopitch roof that would extend across from the existing. The two storey extension roof would extend out from the main ridge forming a side gable wall. The rear the single storey would have a dual pitched roof. Materials would be a brick/render and roof tiles to match the existing.

As access to the rear would be restricted the scheme has made provision for a bin store

adjacent the parking area. Whilst ideally bins are stored to the rear it is not possible to control where a homeowner may place them and as such is not justified grounds for refusal.

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 3 to 4 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 and the plans note a second parking space to be provided and which would be over 5m in length. The area has on street parking and there is also public transport available. The parking arrangements are then considered sufficient. Informatives are added regarding an extended kerb, should one be required, and replacement drive materials.

Residential amenity - In relation to the adjoining No.42 the proposed extension would be single storey and project 4m deep from its rear elevation. SPD6 deems 3m acceptable and this is generally permitted development. A material consideration is the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case. For this reason it is not considered that there are grounds for refusal regarding the additional 1m of depth.

No.16 to the opposite side is set back from the site and the proposed two storey would project approximately 1.7m past its rear elevation. The principle window to this neighbouring property is located away from the shared boundary and the proposed extension would not encroach a 45 degree line from its mid point therefore there would be no significant loss of light to this main window. SPD6 Section 5.2 also considers the impact of two storey rear extensions on outside amenity space with regard to overshadowing and overbearing developments. The proposed extension has been revised from the original submission which would have projected approximately 3.5m past the rear of this neighbouring property as it was considered that this would have caused overshadowing and be overbearing to an unacceptable level. Whilst the proposal would still project beyond the rear of No.16 it would only now be to the level of the existing site rear elevation and as such reduce the impact significantly. The proposed single storey section that would be deeper would have a roof pitched away and would then have much less of an impact than the two storey. The larger homes scheme is also a material consideration in relation to this neighbouring property. There would be a high level ground floor window to the proposal to this side and at first floor a bathroom and landing window. Given the proximity to the boundary and the adjacent No.16 being slightly higher a condition is added from them to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor window to the rear boundary and there are no properties directly at the rear.

The proposal is 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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 P.001, P.02 Revision B 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 Before the first occupation of the extension hereby permitted the windows to the study, bathroom and landing to the north side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	16/09/22		