

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/06/2023	Ref: 69567/FUL
Registration: 22/05/2023	LDfC: 13/06/2023	Expiry Date: 17/07/2023
Site Visit: 13/06/2023	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 side extension for use as garage

Location: 2 Burghley Close, Radcliffe, Manchester, M26 3XZ

Description

The application relates to a two storey detached house on the corner of a residential cul-de-sac of similar styled properties. Driveway to front and side with a 2.5m high laurel hedge around the side boundary. Garden shed at the back of the driveway.

It is proposed to add a single garage to the side of the house, between the side wall and the boundary hedge. It would have a footprint 5m by 3m and a mono-pitched roof to a maximum height of approximately 3m. It would be constructed in red brick and tile to match the house. The boundary hedge would remain in situ.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 22/06/2023. No objections received. One comment about the availability of plans.

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. 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 single garage would be situated at the side of the house behind the existing boundary hedge. In design terms, the garage would be modest in scale and would be in keeping with the appearance of the house. In terms of its wider visual impact, although the garage would be about 1m back from the side boundary with the highway, it would be almost completely screened by the boundary hedge and with an eaves level of only 2.2m, it would not appear particularly incongruous within the streetscape which is characterised by relatively shallow frontages with various degrees of articulation.

The proposal is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance.

Residential amenity - Given the modest size and position of the garage in relation to neighbours, there are no residential amenity issues arising from the proposal. As such the proposal is acceptable and complies with UDP Policy H2/3 and guidance in relation to residential amenity.

Drawings - Whilst the quality of the drawings is not ideal, the measurements are correct and the proposal is acceptable in this respect.

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 the drawings received on 22/05/2023 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/06/2023		