

DELEGATED REPORT

Report by Mo Warsame	Date of report: 01/02/2023	Ref: 69084/FUL
Registration: 16/11/2022	LDfC: 23/12/2022	Expiry Date: 11/01/2023
Site Visit:	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: First floor extension at rear and Installation of first floor windows to side elevations

Location: 1 Martingale Close, Radcliffe, Manchester, M26 4YA

Description

The application relates to a detached dwelling house located on Martingale Close. The premises has a driveway and open plan garden to the front, with an area of private amenity space to the rear.

Planning permission is sought for the construction of a first-floor extension above the existing rear extension which was approved in 2016 via a certificate of lawfulness. The proposed extension would project 3.9 metres to the rear and run 5.1 metres to cover the entire footprint of the existing single storey rear extension. The development would have a pitched roof, utilise the use of matching materials and facilitate additional bedroom on the first floor.

Relevant Planning History

60447 - Certificate of lawfulness for proposed removal of existing conservatory frame and below brickworks of the walls and in its place utilising the same foundations/slab and footings construct a new single storey extension with pitched roof - Lawful Development 02/09/2016

63434 - First floor extension at side - Withdrawn by Applicant 10/12/2018

63985 - First floor extension at side - Approve with Conditions 23/05/2019

22/0201 - Erection of fencing - 10/06/2022

Publicity

Neighbour letter sent on 01/12/2022. No objections received.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed development would be simple and unobtrusive design and would not detract from the character of the original dwelling. Therefore, the first-floor extension to the rear would be considered suitably in design and modest in scale. The development would be constructed above the existing single storey rear extension and would not project beyond the footprint of this extension. Furthermore, the proposal would utilise the use of matching materials and would have a pitched roof that would appear subservient to the main house.

Overall, it is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there would be 7 metres from the first-floor windows to the shared rear boundary. However, this would be acceptable as a large setback distance exist beyond between the shared boundary and the property to the rear (No. 2 Hackney Close).
- There would be no windows on either side of the proposed first floor rear element facing the adjacent properties (No. 35 Shetland Way and No.3 Martingale Close). However, there would be a proposed side window on the existing dwelling facing No.3 Martingale Close. This window would not be from a habitable room (office) and would be conditioned to be obscure glazed to ensure appropriate levels of privacy are maintained to the neighbouring property.
- In terms of the general prominence and impact on daylight the proposed development would not cause any detrimental impact given, this street has a staggered front elevation line and the application property is set-back to the rear from the No. 3 Martingale Close. The proposed development would also be to the west of this property therefore, any overshadowing would not be seriously excessive above and beyond the existing situation. The other neighbouring properties would have sufficient distances to the proposed development.

Highways

The proposal would result in one additional bedroom and there would be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 16/11/2022 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

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of the existing building.

Reason: In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 The window relating to the proposed office at first floor shall be fitted with obscure glazing and shall remain as such in perpetuity.

Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	1/2/23	DM	1/2/23