

DELEGATED REPORT

Report by Amanda

Date of report: 07/10/2024

Ref:70726/FUL

Uhunmwagho

Registration: 19/08/2024

LDfC: 12/09/2024

Expiry Date: 14/10/2024

Site Visit: 24/05/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: MIOT

Proposal: Single storey front and rear extension; Reduce existing boundary wall to front and side to 1m high.

Location: 2 Withins Lane, Radcliffe, Manchester, M26 2RU

Description

The application relates to a two storey, previously extended terraced house. There is a small walled front garden area to the front of the site which is completely paved and there is a walled yard to the rear. There is one parking space to the side of the property. The property has previously been converted into two flats, one with accommodation on the ground floor and the other at first and second floor levels.

The proposal is to build a single storey rear extension which would provide a second bedroom to the ground floor flat. Given the way the rear site boundary is angled the extension would also be built on an angle. It would project 1.37m from the rear corner of the existing building and it would measure 5.3m wide. It would have a flat roof.

Relevant Planning History

01972/E - Erect 2m boundary wall to front elevation in red brick and install 'catslide' dormers to the front and rear elevations - Enquiry completed 26/04/2017

43488 - Single storey side extensions car port at rear and loft conversion- Approve with Conditions 12/01/2005

63968 - Change of use from 1 no. residential dwelling to 2 no. apartments - Approve with Conditions 14/05/2019

Publicity

5 neighbours notified on 21/08/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

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.

The extension would be built to the rear of the site and would be partially visible from the back street. It would be built with materials and a design that would be considered acceptable in this location.

There is an existing boundary wall to the front and side of the site. The wall along the front boundary measures around 1m in height and the wall to the side boundary would be reduced to 1m high to match. This would be considered acceptable in the streetscene.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There are no properties directly to the rear of the site. The proposed extension would be built along the rear boundary and certificate A has been submitted with the application stating that all of the development would be within the residential curtilage.
- The only window to the extension would overlook the applicant's own rear yard.
- There would be sufficient private amenity space remaining to the rear of the site once the extension would be built.
- The extension would not interfere with existing parking arrangements within the site.
- The existing side boundary wall is currently 1.62m high, which is considered to be seriously detrimental in terms of visibility for car users moving on and off the site. The wall would be reduced to 1m in height which would be considered to be permitted development. In addition the reduction to 1m would mean car users would have clear visibility over the wall. A condition would be added to the decision giving the applicant two months to reduce the height of the wall to 1m.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would increase the number of bedrooms to the ground floor flat from 1 to 2, and the total number of bedrooms between the two flats would be 5. As such 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 an area at the side for parking a vehicle and this would remain following the rear extension being built. The single parking space was considered acceptable for the previously approved proposed to convert the original house into two flats. The existing drive space would service the ground floor flat and there is on street parking available. The area is also high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 ZT24-196-01 and ZT24-196-02 received on 03/05/2024 and drawings numbered ZT24-196-04 and ZT24-196-07 received on 14/08/2024 as modified by the email from Thorp Design Services Ltd dated 14/08/2024. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 07/10/2024		DM - 10/10/2024	