

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 11/10/2024 | <b>Ref:</b> 71032/FUL          |
| <b>Registration:</b> 14/08/2024 | <b>LDFC:</b> 06/09/2024           | <b>Expiry Date:</b> 09/10/2024 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension with alterations to side roof; Raised decking

**Location:** 3 Warth Fold Road, Radcliffe, Manchester, M26 2XL

### **Description**

The application relates to a semi-detached dwelling located on Warth Fold Road. There is currently an area of paving to the front of the property allowing for off road parking, with private residential amenity space located to the rear. The premises also benefits from a single garage to side. The are over 20m to any properties in front and rear of the site. To the side, the property shares boundaries No.1 Warth Fold Road (west) and No.1-11 Farcroft Avenue.

The proposal is for a single storey rear extension that would project approximately 4.6 metres one side and 1.6 metres on the other. The extension would align to the rear and have a flat roof. The development would also include proposed 150mm high decking area to the rear. The proposal would accommodate a kitchen extension along with a bedroom on the ground floor. The proposal would utilise the use of matching materials.

### **Relevant Planning History**

69948 - Single storey extension at rear and alterations to roof at side - Approve with Conditions 11/10/2023

### **Publicity**

Nighbour letters sent. No objections received.

### **Statutory/Non-Statutory Consultations**

N/A

### **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.

#### **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 and decking area would both be relatively modest structures to the rear of the dwelling and as such would not be visible in the streetscape. The existing high fence surrounding the rear of the site and the existing outbuilding would screen the proposed development from the adjacent neighbours.

The design of the extension would be considered acceptable in this location and the finished materials would match those of the existing property. There are various types of extensions to the rear of properties along this street. Therefore, It would not appear out of character.

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.

### **Residential Amenity**

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed single storey rear extension would project 4.6m on one side along the shared side boundary and 1.6m along the other side. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected, it would be considered acceptable. Additionally, there would be sufficient distance to the rear boundary and properties beyond. The development would not encroach the 45° rule when taken from the adjacent neighbouring properties. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation. Moreover, there would be no proposed side windows facing the adjacent neighbouring properties on either side. As such, there would be no adverse impact in terms of overlooking and privacy.

The proposed decking would be a modest structure that would with projection height of 150mm. Therefore, it would be screened by the existing 1.8m high boundary fence. As such there would be no significant effect on privacy to either of the adjacent gardens.

The proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

### **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 2412-02 Revision A, 2412-20 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 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.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 11/10/2024  | DM -                    | 11/10/2024  |