

DELEGATED REPORT

Report by Amanda

Date of report: 23/10/2024

Ref:71144/FUL

Uhunmwagho

Registration: 05/09/2024

LDfC: 11/10/2024

Expiry Date: 31/10/2024

Site Visit: 03/10/2024

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey rear extension and front porch

Location: 12 Irwell Street, Radcliffe, Manchester, M26 1LR

Description

The application related to a two storey semi-detached house with a conservatory to the rear. The whole of the front of the site is hardstanding and it is open to the highway in front. There is a driveway to the side of the house. The rear garden is all paved with a patio at ground level and a raised patio area to the rear. There is also a shed to the rear boundary.

No.10, unattached has a single storey rear extension, as does no.14, attached to the opposite side and to the rear of site there is a graveyard.

The proposal is to build a front porch and a two storey extension to the rear. The porch would be built to the front of the existing entrance and it would measure 1.45m x 2m and the roof would be hipped. The rear extension would project 4m from the original rear elevation at ground floor level and 3m projection at first floor level. It would measure 4.74m wide and the roof would be pitched. There would be windows to the rear elevation at both levels and patio doors to the side (ground floor level).

Relevant Planning History

N/A

Publicity

4 neighbours notified on 19/09/2024 - One objection received. A summary of the objection is listed below.

- They have paid a lot of money on solar panels and the extension would block out sun from 50% of the panels.
- The double storey extension would overlook their garden resulting in a loss of privacy and put part of the garden in shade.
- They have no objection to the front porch or a single storey rear extension.
- They advise when they extended their property they built a two storey to the side and single storey at the rear specifically out of courtesy for the neighbours.
- They asked for information about the drainage of water from the roof of the extension, and how it would impact their property.

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 proposed front porch would be built with materials and a design that would be considered to be in keeping with the existing building. As such there would be no significant detrimental impact on the character of the existing streetscape.

The two storey extension wouldn't be readily visible in the public realm, but it would be visible from the rear gardens of numbers 10 and 14 Irwell Street. The extension would be finished with materials and a design that would be considered to be in keeping with the existing building.

It would project past the rear of the extension at no.14 by around 500mm, and it would be just over 2.5m away from the shared boundary with no.10. As such it is considered that the extension would not appear overbearing when viewed from either of the adjacent gardens/properties.

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 -

- The separation distance with properties to the front of the site would be more than acceptable in terms of SPD 6.
- Given the distance from the porch to both side boundaries there would be no significant detrimental impact on residential amenity at either of the adjacent properties/gardens.
- The proposed porch and rear extension would not interfere with the existing parking arrangements within the site.
- There would be no windows in the side elevation of the rear extension facing no.14 Irwell Street.
- There would be patio doors on the side elevation of the rear extension facing no.10 next door. As they would face on to a path and blank side elevation only there would be no significant detrimental effect on privacy levels at no.10. There would also be a main window to the rear elevation of the extension. The position of the patio doors would be considered acceptable in this instance and it is noted that the neighbour has not objected to the proposal.
- Directly to the rear of the site is a church yard. No residential properties.
- The two storey rear extension would be built flush with the existing west side elevation and the 45° rule would be satisfied with regards to relevant windows on the rear of number 10 Irwell Street.
- The ground floor section of the extension would project 4m from the original rear elevation which would project slightly beyond the rear of the single storey extension at no.14, attached. As such this part of the extension would be acceptable in terms of SPD 6.
- Originally the proposal showed that the first floor would also project 4m along the shared boundary with no.14. However, they were asked to reduce the projection to 3m, so that it would accord with SPD 6.
- The orientation of the site is due west of no.14 (attached). As there is also a similar size single storey extension to the rear of no.14 it is considered that there would not be any detrimental impact on light accessing the ground floor windows of that extension.
- The first floor section would project 3m adjacent to the shared boundary with no.14 and as such it would have some detrimental impact on light access to the closest first floor bedroom window to the rear of no.14. However, although there may be some detrimental impact on daylight accessing the neighbour's bedroom window in the latter

half of the day, the first floor element would project just 3m, which would be within the limits as set out in SPD 6.

- The owners of no.14 have installed solar panels to the rear of the property, both on the main roof and that of the single storey rear extension. The proposed extension would not have an significant detrimental effect on the solar panels to the main section of the roof, but given the orientation of the application property to no.14 the two storey extension could have some detrimental impact on the solar panels to the single storey rear extension, in the latter half of the day. The attached neighbour has installed the solar panels under permitted development rules and where they chose to position those panels would not have any bearing on the planning application. The proposed extension has been assessed and would be considered acceptable in terms of SPD 6 and UDP Policy H2/3.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

Response to neighbour objection -

The concerns of the neighbour have been addressed in the report above and an email reply was sent to them regards their drainage question on 18/10/2024.

Concerns regards solar panels have been addressed in the Residential Amenity section of the report. This is considered to be a genuine concern, but they are not a Planning concern and as such would not have any impact on the planning application.

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 received on 16/10/2024 as modified by the email from EXTEND dated 16/10/2024. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 23/10/2024		DM - 23/10/2024	