

DELEGATED REPORT

Report by Amanda

Date of report: 29/03/2023

Ref:69285/FUL

Uhunmwagho

Registration: 27/01/2023

LDfC: 24/02/2023

Expiry Date: 24/03/2023

Site Visit: 21/02/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey front extension; Single storey rear extension.

Location: 11 Charter Avenue, Radcliffe, Manchester, M26 1LU

Description

The application relates to a two storey semi-detached property with gardens to the front and rear. There are fences to both side boundaries at the front of site and it appears that a tree has been removed from the front garden as well as an area of lawn. Part of the front area is paved. At the rear there are fences to all boundaries and the garden is part paved and part lawn. There is a timber shed at the rear of the site.

The proposal is to build single storey extensions to the front and rear of the existing dwelling. The rear extension would project 3m from the original rear elevation and it would measure 5m wide. The roof would be pitched with two rooflights and the walls would be rendered.

At the front the single storey extension would provide an extension to the existing lounge as well as a porch. The porch would project 2m forward of the original front elevation and the lounge extension would be stepped back projecting 1.6m. It would measure 5m wide. The roof would be pitched and the walls would be finished in brick to match the existing building.

Relevant Planning History

N/A

Publicity

Neighbours notified on 03/02/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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.

Charter Avenue consists of 13 pairs of semi-detached properties and a single detached property at the head of the cul-de-sac. Properties along both sides of the road are uniformed in terms of their proximity to the highway in front and their general design with small canopies above the front doors. As such any extension to the front of a property would need to be as in keeping with the existing building as possible and should not be overly large.

The proposed extension would project a maximum of 2m forward of the existing front

elevation where the porch would be located. The remainder of the extension would be stepped back projecting 1.6m from the front elevation. The external walls would be finished in brick to match to the existing property. As such, in this instance the single storey extension would be considered acceptable in this location and would not cause any significant harm in the existing streetscene.

The rear extension would be rendered but as it would not be readily visible in the public realm it would not have any significant detrimental effect on the existing streetscene and as such would be acceptable in this instance.

With the above in mind 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 -

- Properties to the front and rear of the site would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity.
- The 45° rule would be satisfied with regards to the ground floor habitable room at no.9 Charter Avenue next door.
- There would only be around 3.5m from the front of the porch to the boundary with the highway in front. The agent has advised that there is no current on site parking, no dropped kerb to the front of the site and therefore the area wouldn't be used for parking.
- The rear extension would project 3m from the original rear elevation which would be acceptable in terms of SPD 6.
- The plans show that all of the development would be within the site boundaries.
- There would be no windows to the side elevations of both the front and rear extensions. As such there would be no concerns regards detrimental impact on privacy levels at the adjacent properties.

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 highway in front.

Contact from applicant -

On 26/03/2023 the applicant submitted an email via customer services to make the department aware of their grievance regards the processing of their planning application. In summary they are concerned about the following;

- They were first told they couldn't have a front extension projecting 2m due to the driveway at the front, but there is no driveway on site, no dropped kerb.
- When they pointed out other developments in the area they were told these aren't in the vicinity of their site.
- On the road where they live one property has a garage built on the highway boundary but they have been told their 2m projecting extension would not be in keeping with the streetscene.
- The house opposite them has patio doors to their living room, on the front elevation. They advise they want patio doors to help with light.
- Some extensions in the area have either been allowed to break the rules or been given more leeway to them, or planning rules were different at the time they were approved.
- The streetscene has already been altered.
- They advise they will not be living in the porch, which would project 2m forward of the existing front elevation and they feel a projection of 1.6m to their lounge would not be sufficient enough for what space they want in their lounge.

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- They pointed out they could build a porch projecting 2m and up to 3m² under permitted development rules.
- Other properties nearby have far bigger extensions.
- They pointed out that they feel the Council are making decisions based on personal choice rather than guidelines.
- They feel they have to reluctantly accept the decision to have a smaller extension approved, compared to what the original proposal was.
- They are frustrated when they see other properties in the area with substantial extensions.
- They make reference to the Council giving a dubious response regards the continual rising cost of building materials.

Negotiations with the agent were undertaken to obtain revised plans that would ensure there would be no adverse impact on the streetscene in the interest of good design and to comply with SPD 6.

It was noted that there are a few other properties in the nearby area that have had single storey front/side extensions but from the addresses pointed out by the agent there was planning history for some and not for others. This would mean that some may have been constructed without planning permission, or a long time ago when different policies would have been applied. Every site is assessed on its own merits against current policies and adopted guidelines.

With regards to the property that has built a garage to the front of their site the agent was advised that it appears this has been built without planning permission and they were asked if they have any knowledge of when the garage was erected, as if it is within the last 4 years then the Planning Enforcement team could investigate. No further contact was received regards the neighbour's garage.

Planning applications are not assessed based on personal preference. They are assessed using the current policies and adopted guidelines.

It is not known whom the applicant spoke with at the Council regards the continual rise of building costs, but this is something which is not within the Council's control.

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.

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- 2 This decision relates to drawing numbered CA/PL/23 001B received on 27/03/2023 as modified by the email from RT Design dated 27/03/2023. 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.
- 3 The external finishing materials for the single storey front extension hereby approved shall match those of the existing building and the external finishing materials for the single storey rear extension shall be as indicated on the approved drawing.
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 - 29/03/2023		DM	29/03/2023