

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 11/05/2022

Ref:68234/FUL

Registration: 21/03/2022

LDfC: 28/04/2022

Expiry Date: 16/05/2022

Site Visit: 08/04/2022

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: Two storey extensions at side and rear.

Location: 34 Hutchinson Way, Radcliffe, Manchester, M26 3AB

Description

The application relates to a two-storey detached house on a residential street of similar properties. The highway curves around the eastern side of the house where there is a detached garage to the side, and towards the neighbour at No.32 (to the north) while the western side of the property has a row of three-storey town houses. The unattached neighbour to the rear has a single storey rear extension.

Planning permission is sought for a two-storey extension that would project out 3.16m at the rear and 3.23m at the side with a hipped roof carried over from the existing roof. Materials would match existing. New side windows proposed including a first-floor bedroom window plus bathroom/ toilet windows. All new windows would include a soldier course.

There would be a separation of 5.6m to the rear boundary which has a fence approximately 1.7m high, although there is no new boundary treatment proposed.

It should be noted that within this area there permitted development rights have been removed with regard to conversion of garages. However, this application does not affect the existing detached garage.

Relevant Planning History

39480 - residential development - 125 dwellings & industrial units (b1) and associated works – Approved 2003

52641 - Two storey extension to side - Withdrawn by Applicant 13/07/2010

52988 - Two storey extension at side - Approve with Conditions 14/09/2010

63561 - Two storey extension at side and rear - Approve with Conditions 28/01/2019

Publicity

Immediate neighbours notified by letter dated 06/04/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section – No objection subject to highway condition.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H5/1	Area Improvement
EC2/1	Employment Generating Areas
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 compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the extension is generally in-keeping with the existing house. Situated at the side and rear, the extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing and all new windows would include a soldier course to compliment the existing design and surrounding neighbourhood.

The application has been approved to incorporate a more visually aesthetically pleasing roof shape and good window fenestration on the rear elevation. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

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 are no first-floor habitable windows to the rear of the property and the 5.6m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to the unattached neighbours as it complies with the '45-degree rule' within SPD6.

New side windows are proposed including a first-floor bedroom window on the east elevation overlooking the public highway, plus bathroom/ toilet windows to the first-floor rear and ground floor side elevation which would be conditioned to provide obscure glazing. Overlooking of neighbours to the rear is minimized by the absence of any rear first-floor habitable windows. The kitchen window on the side elevation is a side/ non-habitable room window and therefore cannot be afforded significant weight in any assessment. The proposed windowless access door on the side elevation also cannot be given a great deal of weight.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the north and east of the main house. The extension would have some impact on part of the rear garden at No.32 around midday, but any overshadowing would not be seriously excessive above and beyond the existing situation and no objections were recieved.

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

Highways – No changes proposed.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies 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 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 number IPS/R/34/M263AD RevB as submitted on 20/04/2022 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 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 Before the first occupation of the extension hereby permitted the bathroom and toilet windows on the rear and side elevations shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason - To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	11/05/2022		