

DELEGATED REPORT

Report by Amanda

Date of report: 09/11/2020

Ref:65867/FUL

Uhunmwagho

Registration: 03/09/2020

LDfC: 29/09/2020

Expiry Date: 29/10/2020

Site Visit: 29/09/2020

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: HOUS

Proposal: Two storey side extension; Two storey rear extension; Front porch extension

Location: 159 Radcliffe Road, Bury, BL9 9LN

Description

The property is a two storey semi-detached house with gardens to the front and rear of the dwelling. It fronts on to Radcliffe Road, which is a busy main road and Lilac Avenue is to the side. There is a drive way to the front of the property, as well as one to the rear (accessed from Lilac Avenue). There is a single storey extension to the side of the property. At the front of the property there is a brick wall and railings to the boundary and to the side, along Lilac Avenue there is a short brick wall with a fence behind it.

The proposal is to build a two storey side/rear extension, single storey rear extension and the existing porch at the front would be replaced with a larger one. The porch would project 1.498m from the original front elevation, it would measure 2.76m wide and the roof would be hipped.

At the side the extension would measure 2.68m wide and it would have an overall length of 12.9m. The first floor element would measure 11.3m and the roof would be hipped. The rear extension would have an overall projection of 5m from the original rear elevation and it would extend across the whole of the rear elevation. The first floor section would be built away from the boundary with the attached neighbour and both roofs would be hipped. The side elevation would be 50mm off the side boundary with Lilac Avenue.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 07/09/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Conditions and informative to be added.

Pre-start Conditions - Agent agreed to Pre-commencement conditions on 13/10/2020.

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.

SPD 6 states in paragraph 5.1 the following;

'On corner plots, extensions will normally be required to occupy not more than half of the available width of the side area or to leave a minimum of 2m from the boundary with the public highway to the side. However, a lesser setback may be acceptable where the site is

well screened or where the prevailing pattern of development in the locality is typified by relatively shallow frontages;'

Radcliffe Road mostly consists of two storey semi-detached and detached homes fronting on to the main road with some examples of flats and commercial buildings as well. There are also some terraced properties to the south west, on Bury Road where the road meets Radcliffe Road. Some of these properties have been extended and there are three other properties, which are corner plots, that have two storey side extensions.

The built extension at 161 Radcliffe Road (on the opposite side of Lilac Avenue) was initially refused twice due to its close proximity to the side boundary but this was subsequently won on appeal in 2010. The gap from the side elevation of that extension to the boundary with Lilac Avenue measures 925mm, (according to the plans). Numbers 72 and 87 Radcliffe Road are also properties on corner plots which have two storey side extensions. Both extensions have been built 1m away from the side boundary.

Taking the above examples in to consideration the applicant was asked to reduce the width of the two storey side extension so that there would also be a gap of 1m to the side boundary, maintaining a visible gap between the property and the highway. However, this compromise was refused and the applicant advised they wished to proceed with the plans showing the proposed extension just 50mm back from the side boundary.

Overall the proposed extensions to this property would be built with a design and materials which would compliment the existing building and would remain similar in character to neighbouring properties in the immediate vicinity. However, its close proximity to the side boundary, of just 50mm, would result in a large structure built very close to the boundary with a gap of only 50mm from the side elevation to the boundary wall and as such would be considered to be out of character and seriously detrimental to the visual amenities of the area. As such the proposal does not conform 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 -

- There are no residential properties directly to the front of the site.
- At the rear no.1 Lilac Avenue is set slightly back in comparison to the rear elevation of the application dwelling and this property has been extended to the side. There is one first floor obscurely glazed window in the side elevation close to the rear site boundary. There is also a kitchen window and door at ground level which are screened by the shared boundary fence. Aspect standard distances would be satisfied with regards to the ground floor section of the proposed extension.
- With regards to the proposed first floor extension there would be over 10m to the rear boundary and any views from the proposed first floor windows would be over the front garden and drive area of this property only and along Lilac Avenue. With this in mind there would be no concerns regards privacy levels at no.1 Lilac Avenue to the rear of the site.
- No.157 Radcliffe Road, attached to the east side has a single storey rear extension directly adjacent to the shared boundary. The proposed extension would be single storey directly adjacent to the boundary with this property and it would project 2m beyond the rear of the extension at no.157. This would be acceptable in terms of SPD 6.
- The first floor element of the extension would be built away from the shared boundary with no.157 and would project a similar distance to the single storey extension on the rear of no.157. With this in mind the proposed two storey rear element of the proposed extension would not have any seriously detrimental effect on residential amenity at the attached property.
- As there are no habitable room windows to the side elevation of no.161 Radcliffe Road, on the opposite side of Lilac Avenue, and there would be no habitable room windows to the side of the proposed extension there would be no seriously detrimental effect on

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- residential amenity at that property.
- Given the position of the proposed extension there would be no impact on existing drive ways to the front and rear of the site.
- The agent has advised that the side elevation would be built approximately 50mm away from the side boundary and foundations would not encroach under the ground on to the public highway to the side. The Highway's officer is satisfied that the development would not have any seriously detrimental effect on the adjacent highway and has provided 2 conditions and 4 informatives to be added to the decision notice.
- With regards to the relationship of the proposed side extension to the junction where Lilac Avenue meets Radcliffe Road the building would be approximately 12.5m from the junction. As such it would not interfere with the flow of traffic driving from, or to Lilac Avenue to the side of the site.

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

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- The proposed development would, by reason of its size and position directly adjacent to the side boundary, be an incongruous, prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated 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 - 09/11/2020.		DM	11/11/2020