

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/09/2022	Ref: 68547/FUL
Registration: 11/07/2022	LDFC: 03/08/2022	Expiry Date: 05/09/2022
Site Visit: 25/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension with new ramp at rear

Location: 18 Rothay Close, Whitefield, Manchester, M45 8BD

Description

The property is an end town house located on a corner plot. It has garden and a drive to the front. There is also fenced garden to the side and rear and the house is extended with a conservatory at the rear.

The application proposes a single storey extension at the side coming out 4m and running from the main front to rear elevation. It would form a bedroom and shower room. There would be a ramped access at the rear as the extension would be for the benefit of a disabled resident.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition for materials storage within the site and an informative for inward gates.

Pre-start Conditions - Not relevant.

Unitary 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) 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 - SPD6 Section 4 notes that single storey side extensions on corner plots should not normally occupy more than half of the available width of the side area or should normally leave a minimum of 2m from the back of the public highway to the side wall of the proposed extension.

In this case the proposed extension would come almost to the side boundary with 3 additional sections of fencing running along the side. SPD6 Section 11 refers to special needs for disabled persons. It notes that where there is appropriate justification, and confirmation that the alterations are needed by an appropriately qualified person is received, exceptions to the criteria can be allowed. In this case a statement has been provided by a suitably qualified person to conform a ground floor bedroom and shower room is required for the disabled resident. It also considers that the existing conservatory should be retained for wellbeing of the occupiers rather than removed and the property extended at the rear.

The scheme has been revised from the original submission to increase the fencing panels by 3 to run adjacent the extension wall in order to break up what would be a blank brick wall along the boundary. The extended length of timber fencing would appear in keeping with there being existing fencing along the boundary with the footpath. As such the proposed extension would not appear overly prominent or out of place in the street in this particular instance.

Design - The proposed extension would have a hipped roof with a window to the front

elevation and door with ramp to the rear. Materials would be roof tiles and brickwork to match the existing house.

In conclusion the proposal is considered acceptable and in keeping with the existing property. For the reasons as stated, including flexibility to provide an adaptation for a disabled person, there are not considered to be any justified grounds for refusal.

Parking - The proposal would increase the number of bedrooms 2 to 3. One upstairs room is noted as an office however it could potentially be a 4th bedroom. SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive at the front for one vehicle which would not be affected by the proposed extension. With the proposal being works for a disabled person, the area having on street parking and public transport available in the vicinity, in this case there are not considered to be grounds for refusal with regard to the parking arrangements.

Residential amenity - Located to the side on a corner plot the proposal would not be located in close enough proximity to any of the neighbouring properties for it to have any significant impact.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 numbered R-0728-SLP, R-0728-01, R-0728-02, R-0728-03 Revision A, R-0728-04 Revision B, R-0728-05 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 listed.
- 3 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose 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 UDP Policy H2/3 Extensions and Alterations.

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<u>Case Officer</u> JL	<u>Date</u> 06/09/22	<u>Sign off Officer</u>	<u>Date</u>
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