

## **DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 20/11/2023

**Ref:**70155/FUL

Uhunmwagho

**Registration:** 10/10/2023

**LDfC:** 09/11/2023

**Expiry Date:** 05/12/2023

**Site Visit:** 08/11/2023

**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:** Single storey extension to rear, new roof to part of existing rear single storey and formation of terrace and steps to rear garden.

**Location:** 305 Stand Lane, Radcliffe, Manchester, M26 1JA

### **Description**

The application relates to a previously extended, two storey semi-detached house with garden and parking to the front and a private garden to the rear. There is a single storey side extension providing a garage to the front and study at the rear and the whole of the front is brick paved for parking on site. Along the front and side boundaries, (at the front of the site), is a low stone wall with planting.

Access to the rear of the site is through the house. There is a patio area directly to the rear of the property with steps leading down to the garden beyond. There are fences to all boundaries and planting throughout.

The proposal is to add a single storey rear extension which would project 2.93m from the original rear elevation and it would measure 6.53m wide. It would be built right up to the existing single storey rear extension along the southern shared boundary. On the north side the extension would be set in from the existing side elevation by around 1.16m and the roof would be hipped with four rooflights to the rear. A new roof would also be installed to part of the existing single storey rear extension.

As well as the extension the applicant also proposes to form a new terrace area with steps leading down to the rear garden. The terrace would have an overall width of around 5.64m and it would be set in from the north side of the new extension by around 880mm. On the north side it would project 2m from the rear elevation of the proposed extension and adjacent to the existing single storey extension it would project 3.16m. This would be to the rear elevation of the existing extension. There would be a 1.1m high glazed balustrade with steel supports to the new terrace area.

### **Relevant Planning History**

N/A

### **Publicity**

Three neighbours notified on 18/10/2023 - No comments or objections received.

### **Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

### **Unitary Development Plan and Policies**

## 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

The extension and new terrace area would be to the rear of the existing dwelling. As such it would not be visible within the public realm. However the extension and raised terrace area would be finished with materials and a design that would be considered to be in keeping with the existing building. As such the development would not have any significant detrimental impact on the character of the existing streetscene.

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.

**Residential Amenity -**

- As the extension and decking would be to the rear of the existing house there would not be any detrimental impact on residential amenity to the front of the site.
- The extension and terrace would be just over 16m away from the rear boundary. As the extension would be single storey only this distance would be more than acceptable in terms of SPD 6.
- The majority of the development would take place to the north side of the existing single storey rear extensions which are located along the shared boundary with no.307 Stand Lane, attached to the application property. The extension would be set back from the rear elevation of the existing extension and the terrace area would not project past the rear elevation of the existing structure. The only part of the development close to the shared boundary would be the replacement of part of the roof over the existing extension and the proposed drawings show that this would be constructed within the site boundary. As such there would be no significant detrimental effect on residential amenity at no.307 next door.
- There is also a detached outbuilding/shed adjacent to the shared boundary at the rear of the extension at no.307 Stand Lane.
- Land at no.301 Stand Lane to the north appears to have similar levels to that on site with a patio area at the property level and rear garden being lower. This property has a kitchen window on the rear elevation closest to the shared boundary with patio doors and window (possibly habitable) further over.
- The extension would be around 1.4m from the shared boundary with no.301 Stand Lane to the north and there would not be any windows in the side elevation facing this neighbour.
- The patio area at no.301 appears to project to a similar point to the existing patio on site which measures around 1.8m. The proposed terrace area would project around 3.1m beyond the rear of the patio next door. However, it would be positioned 2.2m from the shared boundary. As such any impact on privacy levels between the two sites would be minimal and there would be no reason to refuse the position of the new terrace area.

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 drive at the front and garage.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 2333.01, 2333.02, 2333.11 and 2333.12 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 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 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 20/11/2023     |             |                         |             |