

DELEGATED REPORT

Report by Amanda

Date of report: 13/06/2023

Ref:69639/FUL

Uhunmwagho

Registration: 12/05/2023

LDfC: 10/06/2023

Expiry Date: 07/07/2023

Site Visit: 24/05/2023

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: Variation of condition no. 2 (approved plans) of planning permission 67696 (new front porch and single storey extension at rear):

Change roof shape of extension to pitched roof, additional window to rear elevation of extension, and finishing materials to be k-render in white to all elevations

Location: 55 Borough Avenue, Radcliffe, Manchester, M26 2QG

Description

The application relates to a two storey semi-detached house. The whole of the front of the site is paved and there are fences to all boundaries at the front and gates for vehicular access. To the rear of the property is a private garden which is part paved and part lawn, and there are fences to all boundaries.

Planning permission was previously granted at this property on 14/02/2022 for a very similar development. The applicant now proposes to vary condition no.2 of the approved application ref 67696. The approved single storey rear extension would have had a hipped roof, a single door and window to the rear elevation and the walls would have a brick finish. The current proposal shows that the extension would have a pitched roof, there would be a door and two windows to the rear elevation, and the walls would be finished with k-render in white to all elevations. The remainder of the proposed development remains as previously approved.

Relevant Planning History

67696 - New front porch and single storey extension at rear - Approve with Conditions 14/01/2022

69433 - Non-material amendment following grant of planning permission 67696: K-render in white finish to house and extensions; Additional window at rear and Gable end roof on rear extension. - Withdrawn by Applicant 28/03/2023.

Publicity

Neighbours notified on 18/05/2023 - 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.

There would be no changes to the approved porch to the front of the property.

The single storey rear extension would be built mostly on the rear elevation of the original

dwelling with a small projection from the side elevation of 679mm. It would also be built with materials that would be considered acceptable on this style of property.

The change of roof style from hipped to pitched, additional window and white k-render would also be considered acceptable in this location and given the extension would be to the rear of the building it would not cause any significant detrimental harm in the 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 -

- There would be around 7.3m from the rear elevation to the rear boundary. This distance would be acceptable in terms of SPD 6.
- The rear extension would project 5m from the original rear elevation and there appears to be a kitchen window to the centre of the rear elevation on the attached property. Taking the larger homes scheme in to account, and that the neighbour has not objected to the proposal the projection of 5m would be acceptable in this instance.
- There would be no windows to either side elevation and the single rooflight to both sides would be installed at such a height that users of the room would not be able to view directly out of them. As such there would be no concerns regards reduction of privacy at the adjacent properties.
- The additional window to the rear elevation would be to a kitchen area. As such it would not have any more of an impact on residential amenity than the extension already approved.
- As the rear extension is positioned due north west of nos. 53 and 55 Borough Avenue the pitched roof would not have much more of a difference in terms of impact on light to the rear of no.53 than the previously approved hipped roof. As such it would not warrant refusal of the current application.
- The proposal to render to the extension would not have any detrimental impact on residential amenity in the immediate area.

Given the above 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 its impact on residential amenity.

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 front garden and drive.

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 SHT 1 of 2 and SHT 2 of 2 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 13/06/2023			