

DELEGATED REPORT**Report by** Amanda**Date of report:** 04/02/2022**Ref:**67785/FUL

Uhunmwagho

Registration: 17/11/2021**LDfC:** 09/12/2021**Expiry Date:** 12/01/2022**Site Visit:** 07/01/2022**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 side extension and first floor extension at rear**Location:** 117 Rufford Drive, Whitefield, Manchester, M45 8PD**Description**

The application relates to a two storey detached property fronting on to Rufford Drive with Rufford Close to the west side. There are garden areas to three sides and a double drive way to the rear accessed via Rufford Close. There is also a detached converted garage to the rear of the site and planting to the side and front boundaries.

The proposal is to build a two storey side extension and first floor rear extension. At the side the ground floor of the two storey side extension would be set back from the front of the existing porch by approximately 600mm. The first floor element would be set a further 1m back from the ground floor. It would measure 3.15m wide and 11.52m long. The roof would be pitched.

At the rear the first floor extension would be built directly above the existing single storey extension projecting 2m from the original rear elevation and having an overall width of 9.44m across the rear of the property. There would be one new en-suite bathroom window installed on the east side elevation.

Relevant Planning History

- 01565/E - Proposed two storey side extension and single storey rear extension - Enquiry completed 19/09/2014
- 58510 - Single storey extension at side; New porch and canopy at front; New pitched roof to existing detached garage and conversion to playroom - Withdrawn by Applicant 07/05/2015
- 58811 - Single storey extension at side; New porch and canopy at front; New pitched roof to existing detached garage and conversion to playroom(resubmission) - Approve with Conditions 28/07/2015
- 59210 - Proposal A: Certificate of lawfulness for a proposed single storey extension at rear; Proposal B: Certificate of lawfulness for a proposed porch/canopy at front - Split Decision 29/09/2015

Publicity

Immediate neighbours notified on 18/11/2021 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - After the proposal to create a new drive way and access to the front of the site was removed from the proposal the Highways Officer advised they have no objections to the revised proposal.

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.

SPD 6 states that any extension adjacent to a highway should be set back from the boundary by at least 2m in the interests of visual amenity as well as highway safety. The plans show that the proposed extension would be built 2m back from the highway to the side. As such it would conform to the requirements as set out in SPD 6.

The proposed design of the extension and materials to be used in the construction would be considered to be in keeping with the existing building as well as with surrounding properties. As such it would not have any significant detrimental effect on the character of the existing street scene.

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 -

- The side elevation of the extension would be around 15m from the front of numbers 1 and 3 Rufford Close to the west. As there would be no habitable room windows in the proposed side elevation this distance would be acceptable in terms of SPD 6.
- At the front there would be over 7m to the front boundary with the grounds of All Saints C of E Primary School to the front.
- To the rear there would be over 8m to the rear boundary which is shared with 8 Rufford Close. This distance would be acceptable in terms of overlooking as set out in SPD 6.
- The first floor rear extension would be approximately 1m away from the boundary with no.119 Rufford Drive next door. The extension would project around 1.3m beyond the two storey rear elevation of no.119 and it would be set back from the rear of the single storey extension. With this in mind there would be no significant detrimental effect on residential amenity at 119 Rufford Drive.
- The plans show that there would be one new en-suite bathroom window installed to the east side elevation. This would face on to the side elevation of no.119 next door but a condition would be added to decision to ensure this window remains obscurely glazed at all times in the interest of retaining privacy levels between the two dwellings.

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 number of bedrooms at the property would not be increased and the existing double drive way to the rear of the site would not be affected by the proposed development. The existing parking arrangements within the site would be considered sufficient in this instance.

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:

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- 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 received on 28/01/2022 as modified by the email from Kevin Foey dated 28/01/2022. The development shall not be carried out except in accordance with the details 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.
- 4 Before the first occupation of the extension hereby permitted the new window on the east side elevation 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 04/02/2022			