

DELEGATED REPORT

Report by Amanda

Date of report: 18/12/2024

Ref:71318/FUL

Uhunmwagho

Registration: 31/10/2024

LDfC: 09/12/2024

Expiry Date: 26/12/2024

Site Visit:

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: First floor extension above existing garage and two storey extension to rear of garage to create entrance

Location: 17 Tiverton Close, Radcliffe, Manchester, M26 3UJ

Description

The application property is a two storey detached house with an attached garage to the front. It is set back from the highway at the top of a cul-de-sac with open plan garden and driveway to the front for several vehicles, with the private garden areas being to the side and rear of the house. The site is a large triangular plot which is wider to the front leading to a point to the north of the site. To the north of the site is a dismantled railway which is now a public footpath and there are also lots of trees to the north and west of the site. There are no residential properties within 20m of the north and west of the site.

The proposal is to add a first floor extension above the existing garage and utility room, as well as a two storey extension to the rear of the garage which would provide an entrance to the first floor accommodation. The two storey rear extension would measure 1575mm wide x 4500mm long. The roof would be pitched.

The extension is to be used by a family member and it would consist of a single bedroom, living area and bathroom.

Relevant Planning History

03016/E - Proposed extension above existing garage and double storey entrance extension - Enquiry completed 18/10/2024

71147 - First floor side extension above existing garage; Two storey front extension - Withdrawn - Invalid 11/09/2024

Publicity

6 neighbours notified on 15/11/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions -Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 extensions would be finished with materials and a design that would be considered to be in keeping with the existing building, as well as remaining similar to other properties along Tiverton Close.

As the property is set well back on the site the extension would not extend forward of no.15 next door. As such the development would not have any significant detrimental effect on the character of the existing streetscene. The design of the proposal is considered acceptable in this location.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There are no residential properties directly to the rear of the site.
- Properties to the front are more than a sufficient distance from the proposed extension not to have any significant detrimental impact on residential amenity at those properties.
- There would not be any habitable windows in the side elevation facing the side of no.15 to the south, but there would be one first floor bathroom window. As this would be obscurely glazed and the room would be considered to be a non-habitable room its position on the side elevation would be considered acceptable.
- There would be 3 new first floor windows to the front, to a bedroom, living area and kitchen area. All these windows would be around 6000mm away from the shared boundary with no.19 next door. SPD 6 states that a distance of at least 7000mm would be required where a habitable room window would face a shared boundary. However, in the instance any views from the extension would be over the front garden and drive at no.19, which would not be considered to be private areas. There are also trees to the front garden at no.19 which would screen some views from the extension. As such the sub-standard distance of 6000mm would be considered acceptable in this instance.
- As the site is to the north of no.15 the extension would not have any significant detrimental impact on the path of sunlight to no.15.
- The drawings show that all of the development would be built within the site boundaries, so there would not be any concerns about encroachment.
- The proposal would not have any impact on existing parking arrangements on 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.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 and 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 the parking of at least 3 vehicles. The area has on street parking and there is public transport available. As such it is considered that the parking arrangements are sufficient.

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 ZT24-196-01, ZT24-196-02, ZT24-196-03, ZT24-196-04, ZT24-196-05 and ZT24-196-06 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 in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

- 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 - 18/12/2024		HL - 18/12/2024	