

DELEGATED REPORT

Report by Jane Langan	Date of report: 10/11/2022	Ref: 68760/FUL
Registration: 06/09/2022	LDFC: 03/10/2022	Expiry Date: 01/11/2022
Site Visit: 12/10/2022	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 rear extension; Raised patio with balcony

Location: 38 Bury And Bolton Road, Radcliffe, Manchester, M26 4LD

Description

The property is a semi detached house. It has a path to the side leading to the rear of the house where there is a porch extension to part of the rear. From the back of the house is a patio with steps down to the garden which is at a lower level. The adjoining neighbour is No.36 and has patio doors to the party wall side with low timber fencing separating then there is planting to boundary to the lower garden. To the opposite side No.40 has an open side covered seating area to the rear and the garden also drops to a lower level. To the rear the site has an outbuilding to the boundary and beyond the boundary is the rear garden to 24 Saville Road which is at a lower level.

The application proposes a single storey extension 2.2m deep across the full width of the property to extend the kitchen. With the level difference to the garden a raised patio on steel posts would come out 1.8m for 4.7m across to the height of the existing patio to the east side and then have steps down to the garden. The area underneath would be used for storage.

Relevant Planning History

None.

Publicity

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

Statutory/Non-Statutory Consultations

None.

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 and design - The proposed extension would have a monopitch roof with doors to the rear. The roof would be smooth grey concrete tiles and the walls in brick to match the existing. The patio would have a 1.5m high smoked glass screen to the party wall side and a 1.1m high balustrade along the rear.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD11 Parking Standards need not be considered. The existing parking arrangements to the front drive would not be affected.

Residential amenity - At 2.2m deep the proposed extension would project less than the 3m that SPD6 deems acceptable from the rear of both neighbouring properties. The raised patio would be to the same level as the existing path to the side to the unattached No.40 becoming 0.9m deeper where the steps down would be accessed.

In relation to the adjoining No.36 then the proposed 1.8m deep raised patio would have a 1.5m high smoked glazed screen. This would provide more privacy than the situation as

existing between the patios from the back of the houses where there is only low timber fencing. In general a screen would normally be 1.7m high however as no concerns have been raised by No.36 it is not considered necessary to request the screen be increased in height.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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 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 Existing and proposed site plan, 22/, 22/702/02A 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 Before the first occupation of the extension hereby permitted the 1.5m high smoked glazed panel to the raised patio, as shown on the approved plans, shall be obscured glazed and be permanently retained 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> JL	<u>Date</u> 10/11/22	<u>Sign off Officer</u>	<u>Date</u>
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