

DELEGATED REPORT

Report by Tom Beirne	Date of report: 26/05/2022	Ref: 68185/FUL
Registration: 08/03/2022	LDFC: 13/04/2022	Expiry Date: 03/05/2022
Site Visit: 06/04/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side; Single storey extension at rear; Front porch; New driveway/pavement crossing

Location: 15 Eastbrook Avenue, Radcliffe, Manchester, M26 2RT

Description

The application relates to a two storey end terraced house on a residential cul-de-sac with a detached garage at the side. The footway at the front is adopted and there is a vehicular access along the NW boundary to allow access to garages at the rear, between Eastbrook Avenue and Lynmouth Close.

The proposal is to demolish the garage and build a two storey to the side with a hipped roof carried over onto the existing roof. The only window in the side elevation would be a small obscure glazed WC window. There would be bedroom windows on the front and rear elevations.

There would also be a single storey extension with a mono-pitched roof running across the width of the rear elevation. It would project out 2.7m and have an overall height of 3.5m. There would be a new porch (2.8m x 1.1m) on the front elevation. The extensions would be finished in a red brick and tile to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 22/03/2022. A resident to the rear, on Lynmouth Close, is concerned that the extensions would reduce light into her property and reduce privacy by overlooking from additional windows.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The proposed extensions are in keeping with the scale and appearance of the existing house and would not appear incongruous with the streetscape. The proposal is acceptable and complies with UDP Policy H2/3 and guidance on extensions.

Residential amenity - The attached neighbour at No.13 has an extension at the rear and would not be impacted by the relatively modest single storey rear extension. The house is at the end of the road so there is no immediate neighbouring house on the other side.

In terms of its impact on light and overshadowing, the extensions are a sufficient distance away from neighbouring properties not to have a seriously adverse impact on habitable rooms or outside amenity space.

In terms of privacy and overlooking, the two storey side extension would create two additional bedrooms with windows facing front and rear. At the rear there would be over 7m to the rear boundary and it is noted that the rear boundaries on properties on Lynmouth

Close have the access road in between, so providing a further gap. The distances involved are considered sufficient to mitigate any serious overlooking. The proposal in terms of residential amenity are acceptable and comply with UDP Policy H2/3 and guidance on extensions and alterations.

Traffic - The revised plans have deleted the driveway which would have enabled a car to park over the adopted footway. The new parking area on the other side of the front garden would allow a car to park off site and this is considered sufficient and complies with UDP Policy H2/3 and associated guidance on extensions and alterations. The existing footway would be reinstated in the area in front of the garage and the boundary wall built up to match the existing.

Objection - The issues raised by the neighbour to the rear have been addressed in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 1 and 2A 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 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The development hereby approved shall not be commenced unless and until facilities for the safe storage of all construction materials have been provided wholly within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 and associated guidance in SPD6.
- 5 The revised access and car parking arrangements indicated on approved plan reference 2 Revision A, incorporating the provision of a new footway crossing to limits to be agreed on site with the Highway Authority, reinstatement of the

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redundant footway crossing to full height kerb levels, demarcation of the limits of the adopted highway, provision of a low level boundary wall with foundations that do not encroach under the adjacent adopted highway and new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented to the satisfaction of the Local Planning Authority prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.

Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway pursuant to UDP Policy H2/3 and associated guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne -	25/05/2022		