

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/12/2025	Ref: 72393/FUL
Registration: 20/10/2025	LDfC: 20/11/2025	Expiry Date: 15/12/2025
Site Visit: 25/11/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension linked to existing detached outbuilding; Single storey front extension; Formation of first floor balcony at side above existing carport

Location: 9 Berkeley Crescent, Radcliffe, Manchester, M26 3TR

Description

The application relates to a two storey detached house with attached car port on the south side and an outbuilding to the north within a large plot at the end of a residential cul-de-sac. Radcliffe Moor Road runs parallel to the side boundary to the south. There are residential properties to the north, west and east.

The proposal involves adding a small single storey extension on the front elevation and a single storey extension on the side, linking the house and the outbuilding.

The proposal also involves the formation of a balcony above the existing car port, level with the two storey rear elevation.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 29/10/2025. One objection from a neighbour, concerned about overlooking from the balcony proposed on the car port.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), 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.

Visual amenity - The proposed extensions are relatively modest in scale and would be in keeping with the existing house and would not be prominent within the wider streetscape. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

Residential amenity - The proposed extensions to the house are relatively modest and do not raise any residential amenity concerns. The only possible concern with regard to residential amenity is the creation of a balcony area over the car port. This has the potential to increase overlooking of the neighbouring garden to the east.

To address the overlooking concerns of the neighbour, the balcony area has been reduced and pulled back 3.5m, level with the main house elevation and away from the rear boundary. This amendment, which allows a distance of 12m from the balcony to the rear boundary, should help mitigate overlooking towards the neighbour at the rear.

In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 Alterations and Extensions.

Public comment - The issues raised are addressed in the above report. The balcony has been set back to mitigate the impact of the balcony with regard to overlooking the neighbour to the rear.

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 site plan and drawings numbered RAD/3402/25/1(RevB) and 2(RevA) 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 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	04/12/2025		