

DELEGATED REPORT

Report by Amanda

Date of report: 11/02/2022

Ref:67661/FUL

Uhunmwagho

Registration: 02/11/2021

LDfC: 26/11/2021

Expiry Date: 28/12/2021

Site Visit: 30/11/2021

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

Location: 49 Harper Fold Road, Radcliffe, Manchester, M26 3RU

Description

The application relates to a two storey detached house which has been extended to the rear. The front of the site is mostly paved for parking and to the rear there is a private garden with fences to all sides.

The proposal is to build a two storey side extension that would be built flush with the existing front and rear elevations. It would project 2.7m to the side and measure 10.84m long. The plans show it would have a pitched roof and it would be built around 150mm away from the shared boundary to the side.

Relevant Planning History

44618 - FIRST FLOOR EXTENSION AT REAR - Approve with Conditions 12/07/2005

45524 - CONSERVATORY AT REAR - Approve with Conditions 01/12/2005

Publicity

Immediate neighbours notified on 05/11/2021 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

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.

Overall the proposed design and materials to be used in the construction of the extension would be considered in-keeping with the existing property. However, given the close proximity to the shared boundary with no.47 Harper Fold Road a first floor set back was requested on 08/12/2021. If the extension was set back at the front it would be more likely to be considered acceptable in this location.

Unfortunately despite several attempts to contact the agent and the applicant no correspondence has been received and as such the application has to be determined using the plans submitted. As there is no proposed 1.5m set back at first floor level from the original front elevation it would mean the proposal is not considered acceptable in terms of 'terracing' and the effect on the streetscene.

Given the above the proposal does not conform 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 -

- There are no residential properties directly to the rear of the site and houses to the front would be over 20m from where the extension would be built.
- There would be over 7m to the front and rear site boundaries.
- The applicant would still be able to park two cars to the front of the site and there are no parking restrictions to the road in front.
- As the extension would be built on the north east side of the property there would be no significant detrimental effect on residential amenity at no.49a to the south west.
- The 45° rule appears to be satisfied with regards to the relevant ground floor windows on the rear of no.47.
- There are no habitable room windows to the side of no.47 and the driveway to this property runs along side the boundary. With this in mind there would be no significant detrimental impact on residential amenity at this property. However, the proposed plan shows a dining room window would be installed to the side elevation but this is not shown on the proposed elevations. As no revised plans have been received this part of the proposal is not able to be assessed. If revised plans were to be submitted removing the window from the side elevation or perhaps installing a high level window instead, that is more likely to be supported.

Although most of the proposal is likely to be acceptable in terms of residential amenity the proposed floor plans and elevation drawings conflict with one another and as revised plans have not been submitted the proposal cannot be assessed properly at this time.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 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 an area at the front for parking two vehicles and this would remain following the side extension being built. There is also on-street parking available to the front of the site so in this instance then the parking arrangements are considered sufficient.

Revised Plans/No contact from agent or applicant -

As there are discrepancies with the plans and a first floor set back would be required at the front revised plans were requested on 08/12/2021. An agreement to an extension of time was also requested.

Following the initial request for revised plans, which weren't received, several attempts were made to contact the agent and also the applicant. Unfortunately no contact has been received from the agent or the applicant to date. The list below advises when contact was attempted;

- 08/12/2021 - Email to agent.
- 20/12/2021 - Email to agent.
- 10/01-2022 - Email to agent (Email undeliverable).
- 12/01/2022 - Letter to agent.
- 17/01/2022 - Letter to applicant.
- 27/01/2022 - Email to agent.

Three phone call attempts were also made to the agent and voicemails left on the answer phone twice. No record of the exact dates but the calls were made at the start of January and as the last email was sent on the 27th January.

It was noted that the agent had entered two slightly different email addresses on the application form. Emails were sent to both addresses. One of which appeared incorrect as the email was returned as undeliverable.

To date no contact has been received from the agent or the applicant. As such no revised

plans have been received and no agreement to an extension of time. Given there have been several attempts to contact the agent and also the applicant, to no avail, the application must be assessed on the current plans held which unfortunately are conflicting and require amendments in order for them to conform to current policies. With this in mind the submitted plans cannot be assessed properly in terms of residential amenity at this time.

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed extension abuts the boundary of the adjacent property and the development could lead to the link-up of the semi-detached houses by two storey extensions. The resulting terraced house effect would be out of character with the surrounding street scene, and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The application and submitted plans contain conflicting information to enable them to be properly assessed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 11/02/2022			