

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Sam Summers    | <b>Date of report:</b> 22/02/2022 | <b>Ref:</b> 67848/FUL          |
| <b>Registration:</b> 30/11/2021 | <b>LDfC:</b> 31/12/2021           | <b>Expiry Date:</b> 25/01/2022 |
| <b>Site Visit:</b> 09/02/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** First floor side extension

**Location:** 78 Riverside Road, Radcliffe, Manchester, M26 2PZ

**Description**

The application relates to a detached dwelling located on Riverside Road. The premises has an area of garden and drive with space for two cars at the front. The original garage at the side has been converted into living accommodation. At the rear is a garden area with fencing to all sides and an existing outbuilding.

Planning permission is sought for the construction of a first floor extension at side over the existing garage conversion. It would be built on the same footprint as the ground floor section and would be flush with the existing front and rear elevations. It would have a pitched roof and there would not be any windows in the side elevation.

**Relevant Planning History**

55536 - First floor extension at side - Approve with Conditions 09/10/2012

**Publicity**

Letters sent 07/12/2022 - No responses received

**Statutory/Non-Statutory Consultations**

None

**Pre-start Conditions** - None

**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**

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 proposed extension would be built with a design and with materials that would compliment the existing building. Although there would not be any set back to the front, the building is a different style to the adjacent buildings and as such there should not be any future issues regarding terracing. The design of the proposal is considered to be in keeping with the existing building.

It is therefore considered that the proposal would comply with UDP Policy H2/3 and SPD 6.

### **Residential Amenity**

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The properties to the front would be over 20m away from the proposed extension. No 20. Riverside Close is located at the rear of the site, this property is not directly behind the extension however and the side elevation facing the property has no windows at first floor level. The extension would not have any impact on No. 80 Riverside Road as they are located to the West and the extension is on the Eastern side of the property. No. 76 has a blank two storey gable close to the boundary facing the proposed extension. Therefore there should not be any seriously detrimental effect on residential amenity of the

neighbouring 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 FI1-00, FI1-01, FI1-02, FI1-03, FI1-04, 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 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> |
|---------------------|-------------|-------------------------|-------------|
| SS                  | 22/02/2022  |                         |             |