

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 12/01/2022

Ref:67696/FUL

Registration: 22/10/2021

LDfC: 26/11/2021

Expiry Date: 17/12/2021

Site Visit: 11/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: New front porch and single storey extension at rear

Location: 55 Borough Avenue, Radcliffe, Manchester, M26 2QG

Description

The application relates to a two-storey semi-detached house on a residential cul-de-sac of similar properties. This property and the attached residential dwelling are as originally built, and there are two small sheds within the curtilage. The rear boundary has a fence approx. 1.7m high and nothing substantial in terms of shrubbery.

Planning permission is sought for a new front porch that would project out 1.47m, 2.43m wide with a hipped roof and two side windows, plus a single storey rear extension that would project out by 5.0m slightly wider than the existing property and have a hipped roof. Materials would match existing.

There would be a separation of 7.3m to the rear boundary where there is no shrub planting. There is existing parking space for one car.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 05/11/2021 sent to 7 (seven) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

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 - In terms of design and appearance the proposed extensions are generally in-keeping with the existing house. Situated mostly at the rear and slightly extending to the side, the rear extension with hipped roof would be largely hidden from the public arena. The rear elevation door and windows are slightly unbalanced but given its location at the rear this is considered to be acceptable.

The front porch extension will be in the view of the public domain although it will extend outwards by 1.4m with a hip roof and its proposed size and scale is therefore considered to

be appropriate in relation to the main house.

In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 7.3m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to the attached neighbours primary ground floor rear window as it complies with the '45-degree rule' and the '25-degree rule' within SPD6. In terms of the unattached neighbours at 57 and 59 (on the street corner) the extension is set apart from the rear building line of these properties by 13.1m, in excess of the 6.5m required. Apart from the porch there are no other side windows proposed.

In terms of the general prominence and impact on daylight the extension entirely single storey and to the north-west of the main house. As such any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways - The proposal would not affect the existing site access and the existing parking space would be reduced slightly but remain sufficient at 6m in length

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 Ref IPS/R/55/M262QG SHT 2 of 2 Rev A (submitted 12/01/2022) 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Steven Gunn-Russell	12/01/2022		