

DELEGATED REPORT

Report by Tom Beirne	Date of report: 21/02/2024	Ref: 70373/FUL
Registration: 28/12/2023	LDFC: 30/01/2024	Expiry Date: 22/02/2024
Site Visit: 20/02/2024	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 rear extension

Location: 36 Northlands, Radcliffe, Manchester, M26 4GB

Description

The application is retrospective and relates to a two storey semi-detached house on a residential road of similar styles properties. The extension, which has been constructed links the existing single storey outrigger at the rear and the single storey outrigger at the side.

The extension projects out 4m and runs across the rear elevation 4.8m to attach to the back of the side extension. The mono-pitched roof would extend to a height of 3.5m. It accommodates additional living space. Constructed in red brick and tile to match the existing house.

Relevant Planning History

65180 - Prior notification for proposed single storey rear extension - Prior Approval Required Refused - Prior Approval Required Refused - Ext 26/02/2020
65302 - Prior notification for proposed single storey rear extension - Prior Approval Not Required - Extension 16/04/2020
23/0460 - Single storey rear extension - 08/01/2024 - application received.

Publicity

Immediate neighbours notified by letter dated 08/01/2024. One objection received from resident on Wardle Close.

The council is letting too many people build what they want then put in retrospective applications.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 extension is modest in scale and at the rear of the dwelling and would not be readily viewed from the public arena. In terms of design and appearance the extension would be constructed in materials to match the house. Complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - The extension is sited sufficiently so there are no serious residential amenity issues arising. In relation to the neighbour at No.34 Northlands who has a kitchen window closest to the shared side boundary, the extension would comply with the '45 degree rule' as set out in guidance. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 in relation to residential amenity.

Public comment - The comments from a local resident relating to the retrospective nature of the proposal are not material to the assessment of it.

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 This decision relates to drawings numbered sheets 1, 2 and 3 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	21/02/2024		