

DELEGATED REPORT

Report by Jane Langan	Date of report: 02/09/2022	Ref: 68611/FUL
Registration: 28/06/2022	LDFC: 22/08/2022	Expiry Date: 23/08/2022
Site Visit: 08/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Part single/Part two storey extension at rear: Additional window to first floor side elevation

Location: 26 Stand Rise, Radcliffe, Manchester, M26 1BT

Description

The property is a semi detached house with garden and drive to the front. There is a gap to the side and fenced garden to the rear. The adjoining semi is No.28 and a mirror image at the rear and to the opposite side No.24 is the unattached semi. To the rear the site garden borders rear gardens to 16 & 18 Ringley Road West.

The application proposes an extension to the rear. It would come out two storey 3.3m deep from the outer side and run for 4.6m across. It would then reduce to single storey for the remainder to the party wall side and this would also be 0.7m deeper projecting to 4m across the whole rear. The extension would form a dining room with an additional bedroom at first floor. An existing bedroom window would be relocated from the rear elevation to the side.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and 2 responses have been received from nearby neighbours. Their comments in summary are:-

- Object to the two storey extension. Will cause significant blockage of the sunlight in to my living room and garden.
- Impact on health. Have vitamin D deficiency impact from loss of light.
- Reduce hours of sunlight for sitting in garden.
- Have a right to light.
- No objection to the single storey extension.
- Observation. There are bats living and roosting in the roof space. Bats are protected by law. How can a double story extension go ahead without disturbing the bats habitat.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposed extension would see the main roof hipped at the rear with the ground floor section that would be deeper flat roofed. Materials would be brick and roof tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

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 a drive to the front and which would be unaffected by the proposed extension.

There is also a front garden and there may be potential for further parking if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - In relation to the adjoining No.28 then the proposed extension would project 4m deep along the boundary. SPD6 deems 3m acceptable and which is generally permitted development. The gardens are south facing and as such there would be no significant loss of light or overshadowing. A material consideration is also the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in relation to the single storey extension in this case. Where two storey the proposal has been revised to reduce the depth of the two storey from 4m to 3.3m. This with its 2.4m set in from the boundary would see it comply with the criteria as set out in SPD6 for two storey rear extensions in that it would not encroach a 45 degree line taken 1m out along the shared boundary.

In relation to No.24 to the opposite side the gap between this property and the site is such that it would not encroach the 45 degree line from the closest window. The proposal includes relocating an existing bedroom window from the rear elevation to the first floor side elevation. As a habitable room window this is not ideal however SPD6 Section 5.2 does note that side windows to habitable room windows should be avoided unless high level or obscure glazed. The plans note obscure glazing to this relocated window. A condition is added for this to be retained as such and an informative to note that this window will not be protected as a habitable room window should an application come forward for the neighbouring property.

There would be a distance in excess of 7m from the proposed first floor window to the rear elevation to the rear boundary which would comply with SPD6 Aspect Standards.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour comments/objection

The issues regarding the impact on neighbouring properties in terms of loss of light and overshadowing are addressed in the above report.

A legal Right to Light is for the person claiming this to pursue.

An informative is added to note that if a bat is found works should stop immediately and Natural England and a professional ecologist consulted.

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.

DELEGATED REPORT

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03, ZT22-196-04 revised plan received 30/08/22 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 Before the first occupation of the extension hereby permitted the additional window to the existing first floor west side elevation shall, as noted on the approved plans, be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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> JL	<u>Date</u> 02/09/22	<u>Sign off Officer</u>	<u>Date</u>
---------------------------	-------------------------	-------------------------	-------------