

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 08/07/2022

**Ref:**68387/FUL

**Registration:** 20/05/2022

**LDfC:** 29/06/2022

**Expiry Date:** 15/07/2022

**Site Visit:** 15/06/2022

**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:** Single storey extensions at rear

**Location:** 159 Radcliffe New Road, Radcliffe, Manchester, M45 7RG

**Description**

The application relates to a two-storey semi-detached house on a residential street of broadly similar properties (plus shops nearby). There is an existing small kitchen extension in the centre of the rear elevation. To the rear there is an existing pergola and a number of sheds. The attached neighbour has an existing single storey conservatory extension at the rear and the neighbour on the other side has a small two storey extension. The rear boundary has some small trees and shrubbery.

Planning permission is sought for a single-storey extension in two sections on either side of the existing small kitchen extension that would project out by 3.4m to the same extent as the existing extension but occupy the full width of the house and have a monopitch roof carried over from the existing kitchen roof. Materials would match existing. There are no new side windows proposed.

There would be a separation of just under 10m to the rear boundary, although there is no new boundary treatment proposed.

**Relevant Planning History**

None.

**Publicity**

Immediate neighbours notified by letter dated 07/06/2022 sent to 3 (three) 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**

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. Situated at the rear, the proposed extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property. Materials would match existing. The existing tree planting along the rear boundary would partially reduce the impact on the residents to the rear.

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

**Residential amenity**

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there are no new habitable windows proposed except for the office patio doors.
- In terms of overlooking and privacy to the rear, the 10m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.
- The proposed extension would project out from the existing building line by 3.4m, however the neighbour has a single storey conservator extension alongside the shared boundary, and no objections were received. The proposed extension is therefore acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension is set to the north of the main house and is to the north-west of No.161. The proposed extension would have an impact on part of that neighbour's rear garden in the afternoons, but any overshadowing would not be seriously excessive above and beyond the existing situation.
- Additionally, the proposed extension would be an improvement on the current rear elevation, providing a better layout and improved use of space.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

**Highways**

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation.

**Conclusion**

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. Additionally, the proposed extension would be an improvement on the current rear elevation, providing a better layout and improved use of space. 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

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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 Drawing PL-02, Drawing PL-04, Drawing PL-05, and Drawing PL-06 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> |
|---------------------|-------------|-------------------------|-------------|
| SGR                 | 08/07/2022  |                         |             |