

## **DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 28/11/2024

**Ref:**71279/FUL

Uhunmwagho

**Registration:** 22/10/2024

**LDfC:** 20/11/2024

**Expiry Date:** 17/12/2024

**Site Visit:** 21/11/2024

**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:** Demolish single storey rear extension; Single storey rear extension.

**Location:** 171 Bury Road, Radcliffe, Manchester, M26 2XR

### **Description**

The application relates to a two storey semi-detached house fronting on to Bury Road with Rigby Avenue to the side. There are garden areas to three sides with pedestrian access at the front and side, and there is a garage to the rear of the site. Directly to the rear of the site is an access road. There is an existing single storey rear extension which would be demolished in order to build the proposed extension.

The extension would project 3460mm from the original rear elevation and it would measure 4715mm wide. The roof would be mono-pitched with two rooflights. There would be patio doors to the rear elevation and a kitchen window to the side. The walls would be rendered in an off-white colour.

### **Relevant Planning History**

N/A

### **Publicity**

4 neighbours notified on 30/10/2024 - No comments or objections received.

### **Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

### **Development Plan and Policies**

SPD6      Supplementary Planning Document 6: Alterations & Extensions

H2/3      Extensions and Alterations

PfE      Places for Everyone

### **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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

#### **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 extension would be built to the rear of the existing dwelling. As such it would not be visible in the streetscene along Bury Road. However, given the corner position of the site the extension would be visible from Rigby Avenue to the side.

The extension would be built with materials and a design that would be considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and

Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

#### **Residential Amenity -**

- The extension would project 3460mm adjacent to the shared boundary with no.173 next door and the wall would be around 150mm off the boundary. SPD 6 states that a single storey extension projecting upto 3000mm along a shared boundary would be acceptable. However, taking the larger homes scheme into account and that the neighbour has not objected to the proposal the projection of 3460mm would be considered acceptable in this instance.
- The distance from the rear elevation to the side elevation of no.2 Rigby Avenue to the rear of site would be acceptable in terms of SPD 6 and there is also an access road between the two properties.
- The south side elevation would be built flush to the existing side elevation and would be around 3979mm away from the side boundary.
- The distance from the extension to no.169 Bury Road would be more than acceptable in terms of SPD 6.
- The extension would not interfere with existing parking arrangements to the rear of site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

#### **Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

#### **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 902-01, 902-02, 902-04, 902-05, 902-06, 902-07 and 902-08 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall be roof tiles,

windows and doors to match the existing building. The walls would be rendered in an off-white colour.

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> |
|---------------------|-------------|-------------------------|-------------|
| AU - 28/11/2024     |             | HL - 06/12/2024         |             |