

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/06/2025	Ref: 71618/FUL
Registration: 28/04/2025	LDFC: 20/05/2025	Expiry Date: 23/06/2025
Site Visit: 19/03/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Demolish rear extensions; first floor extension at rear, raise ridge height of main roof with dormer extension at rear

Location: 32 Stand Lane, Radcliffe, Manchester, M26 1LJ

Description

The application relates to a mid-terraced property located on Stand Lane. The site is currently utilised as a hotfood take away at ground floor, with associated 1no. bed living accommodation at first floor. The site is allocated as being sited in a Shopping Area in Other Town Centres under UDP Policy S1/2 and is considered to be a secondary shopping frontage under UDP Policy S2/3. The dwelling has existing single storey and two storey extensions.

Planning permission is sought for the partial demolition of the existing rear extensions and for the construction of a first floor rear extension that projects approximately 3 metres from the rear of the original property. Alterations to the roof are proposed raising the ridge of the property by approximately 625mm and construction of a rear dormer that would project approximately 1010mm over the proposed first floor extension.

Relevant Planning History

54836 - Change of use of ground floor from restaurant (Class A3) to hot food takeaway (Class A5) with new shop front and additional flue at rear. - Approve with Conditions
13/04/2012

Publicity

Neighbour letters sent 28/04/2025.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to the implementation of bin storage and construction materials.

Property & Technical Services - Estates Consultancy - No response

Environmental Health - Pollution Control - No response

Waste Management - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
HT5/1	Access For Those with Special Needs
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S5	Clean Air
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), 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.

Design and Layout

Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy EN1/8 further seeks to ensure that proposes for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this.

Proposals for dormer/roof extensions should preserve the character of the street scene, especially where dormers on existing neighbouring properties are absent. No. 36-38 does have existing front dormers however this property is of a different style to the host property which is located in a row of terraced properties of the same height, that continues around the corner along Mill Bank. There are no dormers on these properties either to the front or rear.

The proposed rear dormer, would require an increase in ridge height of the property which is located centrally between two properties that would not have an increased ridge height. Whilst there are varying heights within the row, with the properties at No. 40 and No. 36-38 being taller than the host property, as set out above the premises is located in a row of terraced properties of the same height. The proposed increase in ridge height, for a centrally located property would appear at odds with the character of the row creating a property that would appear incongruous.

The proposal would also introduce a number of flat roof/mono pitch roof extensions to the rear which would be visible from the back street. Whilst there are flat roofs within this elevation these are generally limited to single storey extensions. The introduction of a first floor flat roof extension, and the addition of a dormer extension that projects above this flat roof extension would essentially create a three storey, flat roof property when viewed from the rear which is not in keeping with the locality.

The design of the proposed additions and the raising of the ridge height of the property is neither appropriate to, nor sympathetic with the existing property or neighbouring structures, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with Policies EN1/2 and JP-P1.

Residential Amenity

There are no adopted aspect standards for relationships between commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The neighbouring properties are commercial at ground floor, and residential at first floor.

No. 34 has a single storey extension at ground floor. The first floor of this attached property is residential and therefore the impact of the proposed first floor extension would be assessed as if it were a single storey extension in terms of overbearing relationships. The proposed first floor rear extension would project 3 metres from the rear elevation of No. 34 complying with guidance as set out within SPD 6.

The proposed dormer extension, would be assessed against the first floor extension guidance in relation to No. 34. In this instance the proposed dormer would have a minimal projection over 1 metre (10mm) and as such it is considered that this additional projection would not be so significant to warrant refusal of the scheme.

In terms of No. 30 the proposed two storey extension, and dormer would be adjacent to a two storey rear extension that projects beyond the proposed rear elevation of the first floor and dormer extensions and as such it is considered that the proposal would not be unduly overbearing in relation to this property.

No habitable room side windows are proposed.

The proposed lounge/kitchen window at first floor would be located approximately 6 metres from the rear which is under the 7 metres required by SPD 6. The first floor rear dormer window would be located approximately 7.6 metres from the directly facing which is under the 10 metres required by SPD 6. Both of these windows would be separated from the building to the rear by a highway. This property is currently a nursery with bin storage and a small yard area located adjacent to the highway which is fenced off. The proposed first floor window would be 12.8 metres from this boundary. The proposed dormer window would be 14.4 metres from this boundary. Given that these distances can be achieved it is considered that the proposed rear windows would not lead to any undue overlooking.

Due to the nature of roof lights no undue overlooking foreseen.

Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. UDP Policy HT5/1 seeks to encourage the provision of satisfactory access to ...public and private buildings.

Access to the rear yard, and bin store via the existing road at the rear of the site would remain unaltered, as would access to the ground floor commercial unit.

There is a conflict with the access to the flat which is set out further below.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. The applicant has confirmed that the proposals would be completed in accordance with Part L of the building regs.

Digital Connectivity

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. The existing building is already served by full fibre internet

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The application form states that the proposal is exempt from BNG due to the de minimis exemption. As the proposal is for extensions and alterations to an existing building, and associated hardstanding yard the LPA accepts this exemption and BNG would not be required.

Other Considerations

It is unclear from the plans if the applicant seeks to subdivide the existing takeaway and residential uses. The proposed ground floor plan shows internal stairs from the takeaway (as existing), to the first floor however these stairs are not indicated on the first floor plan. A separate access, and staircase are also shown on the proposed floor plans. The applicant has not applied for the subdivision of the site within their description of development, or

paid the fees associated with the planning permission required to undertake these works and as such this has not been assessed.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The design of the proposed additions and the raising of the ridge height of the property is neither appropriate to, nor sympathetic with the existing property or neighbouring structures, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with Development Plan Policies EN1/2 - Townscape and Built Design and JP-P1 - Sustainable Places.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 09/06/2025			