

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 16/12/2020 | <b>Ref:</b> 66048/FUL          |
| <b>Registration:</b> 29/10/2020 | <b>LDFC:</b> 25/11/2020           | <b>Expiry Date:</b> 24/12/2020 |
| <b>Site Visit:</b> 23/11/2020   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** First floor side extension and two storey rear extension including new roof and raising height of ridge of roof

**Location:** 7 Tamar Close, Whitefield, Manchester, M45 8SJ

**Description**

The property is a modern detached house located on a residential estate. It sits off Tamar Close as the end one in a row of 3 with a shared access along the front. It has a garden and drive at the front and a single storey attached garage that runs into a utility at the rear. To the rear is a fenced garden which backs on the rear garden to 15 Tamar Close. The neighbouring property to the side is No.9 a detached house which is slightly lower and has an obscure window to the first floor side elevation. To the rear it is extended single storey along the boundary. To the opposite side of the site is open recreation land.

The application includes converting the garage to a living room and incorporating the existing porch. Above the single storey at the side a first floor would run from the front elevation along for 10.2m of which 2.6m would project beyond the existing rear elevation and form a two storey rear extension across the full width of the property. The half hip roof would be extended to a gable and the ridge raised by 0.212m. The proposal would form a living room with garden room at the rear to the ground floor and an additional and extended bedroom at first floor.

**Relevant Planning History**

None.

**Publicity**

Surrounding neighbours were notified by letter and no responses have been received.

**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 property sits at the end of a short row along a shared access and there is minimal view from Tamar Close. From the open land to the east and south side the house can be viewed but with hedges providing some screening. The roof ridge increase would be minimal at 0.212m and the half hip to gable would not appear out of place. Materials would be brickwork/render and roof tiles to match. 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 2 spaces which would be retained and there is a front garden where there may be potential for a further space if the applicant should require it. In this instance the parking arrangements are considered sufficient

**Residential amenity** - The first floor would run alongside the side elevation to No.9 which

has only one obscure window at first floor. The proposed two storey would project to be around level with the rear elevation of this neighbouring property as extended single storey. The first floor has 3 bedroom windows along the rear elevation. The first floor to the proposal would then effectively be as single storey to single storey in relation to this neighbour. There is a difference in levels however it is not a significant amount at less than a storey. The general criteria of SPD6 for single storey projections is that 3m deep is acceptable and following this the 45 degree rule is applied. In this case the proposed extension would project around 3.8m. Of the 3 habitable room windows at first floor to No.9 the closest would encroach the 45 degree line from the middle of the window at a point less than 3m. The consideration then is then the impact from the additional 0.8m. The 45 degree rule is there to prevent unacceptable levels of loss of light and overshadowing. With No.9 extended there would be no significant impact to the ground floor windows or garden area. The impact would be to one window, the closest at first floor, and by the additional 0.8m. On balance it is not considered that there are grounds for refusal with regard to loss of light or overshadowing to this property to an unacceptable level. To note no concerns have been raised by No.9. There would be a distance of 7.5m from the proposed first floor window to the boundary.

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

The proposal would not conflict with the purposes of UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

**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 14-09-20-1, 14-09-20-2, 14-09-20-3, 14-09-20-4, 14-09-20-5 Revision A, 14-09-20-6, 14-09-20-7 Revision A 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> |
| JL                  | 16/12/20    | DM                      | 17/12/20    |