

DELEGATED REPORT

Report by Tom Beirne	Date of report: 24/08/2022	Ref: 68257/FUL
Registration: 16/06/2022	LDFC: 12/07/2022	Expiry Date: 11/08/2022
Site Visit: 09/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side; Single storey extension at rear; Front Porch and Juliet balcony at front

Location: 94 Castle Hill Road, Bury, BL9 7RW

Description

The application relates to a two storey red brick house at the end of a row of terraced houses. The main garden is to the side as yard to the rear is small and is stepped up to Woodgate Hill Road. The site is surrounded on three sides by houses and open fields to the west. The attached house to the south shares a small brick built outhouse which straddles the shared side boundary with the applicants property. That part of the outhouse within the application site would be demolished.

The proposal comprises three main elements:

- A small front porch/canopy (2m by 800mm). Materials to match house.
- The two storey side extension would be flush with the front elevation and project out to the side by 4.2m, stepping in at the rear as the garden narrows. Materials to match house.
- The single storey extension would project out from the rear by 2.7m. Materials to match house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 20/06/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The proposed extensions and alterations, whilst significant, are in keeping with the existing property and would not appear out of keeping within the streetscape. The two storey side extension would be comfortably accommodated with the large side garden and at the rear the site is at a lower level from the properties to the rear. Finishing materials would be brick and tile to match the existing house. The proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance.

Residential amenity - Given the distance to properties to the rear and lower ground levels, the side extension would not have a significant impact on neighbours. The modest rear extension would not have a seriously detrimental impact on the attached neighbour at No.92 and there is no direct overlooking. The proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Demolition - A small outhouse straddles the shared boundary with No.92 Castle Hill Road. That part of the outhouse within the site would be demolished. Due to this operation, Certificate B has been served on the attached neighbour and a condition would require the party boundary wall being made good.

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 SC2021-250-L(-0) 001B, 002B, 003B, 004A, 005A, 006A and 007B 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Prior to occupation of the extensions, the shared party wall with No.92 Castle Hill Road, on the side of the rear outhouse, shall be made good and watertight to the satisfaction of the Local Planning Authority.
Reason. In the interests of good planning practice and residential amenity pursuant to UDP Policy H2/3 Alterations and Extensions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	24/08/2022		