

DELEGATED REPORT

Report by Amanda

Date of report: 07/12/2020

Ref:66029/FUL

Uhunmwagho

Registration: 26/10/2020

LDFC: 16/11/2020

Expiry Date: 21/12/2020

Site Visit: 17/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side/rear

Location: 8 Hopwood Close, Bury, BL9 8HD

Description

The property is a two storey semi-detached house situated at the top of a cul-de-sac. There are gardens to the front and rear of the dwelling with a detached garage to the rear. To the side of the property is the drive way.

The proposal is to demolish the detached garage to the rear and build a single storey side extension which would be used as a garage to the front and utility room and toilet to the rear. The front elevation would be built flush to the existing front elevation and the roof would be hipped with one rooflight.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 27/10/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

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

Visual Amenity -

The proposed extension would be built with a design and materials that would be considered in keeping with the existing building and it would remain similar to other properties along this road. As such there would be no seriously detrimental impact on the character of the street scene.

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.

Residential Amenity -

Properties to the front and rear would be over 20m from the extension. As there would be no habitable room windows to the front or rear elevations this separation distance would be more than sufficient in terms of residential amenity.

As the extension would be built wholly on the east side of the dwelling there would be no detrimental effect on residential amenity at no.10, attached on the west side.

No.6, unattached to the east has no ground floor windows in the side elevation and this property also has a single storey rear extension. As there would be no windows in the side

elevation of the proposed extension there would be no concerns regards privacy between the two properties.

The plans also show that the extension would be built within the curtilage of the site and Certificate A has been signed.

The drive way to the front of the garage would measure 5m to the rear of the pavement in front. Normally where garage doors would open forward, as shown on the plans a drive length of 5.5m would be required. However, in this instance given the position of the property at the head of a quiet cul-de-sac, not a through road, and that there is a turning area directly to the front it would not be considered seriously detrimental to highway safety if the owner of the vehicle had to stop the car temporarily in front of the property whilst opening the garage doors.

The drive way length of 5m in front of the garage would be sufficient to park a vehicle safely off the road in front which would be acceptable in terms of SPD 6.

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.

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 PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, PL-07 and PL-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.
- 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> AU - 07/12/2020.	<u>Date</u>	<u>Sign off Officer</u> DM	<u>Date</u> 10/12/2020
---	-------------	-------------------------------	---------------------------

