

DELEGATED REPORT

Report by Jane Langan	Date of report: 26/01/2022	Ref: 67833/FUL
Registration: 24/11/2021	LDfC: 21/12/2021	Expiry Date: 19/01/2022
Site Visit: 05/01/2022	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: MIOT

Proposal: Variation of condition no.2 (approved plans) of planning permission 67181 (two storey rear extension, loft conversion including roof extension and rear dormer, new window to side elevation and new rear garden wall):
Change of material to first floor extension to timber cladding: Addition of roof light to proposed north east elevation

Location: 10 Heapworth Avenue, Ramsbottom, Bury, BL0 9EH

Description

The site relates to a semi-detached dwelling located on Heapworth Avenue. The dwelling is two storeys in height to Heapworth Avenue with a garage at ground floor and the main dwelling at first floor. Steps provide pedestrian access to the dwelling and the rear garden. The dwelling is constructed from red brick with a tile roof. There is a small patio at the rear of the dwelling and the garden rises steeply with steps providing access. There is a garage and parking for 2 vehicles at the front.

Application 67181 was approved on 07/10/21 which included a two storey rear extension and loft conversion with rear dormer. This application seeks to vary condition 2 (approved plans) to change a section of the two storey rear extension and dormer materials from brick to timber cladding and add a roof light to the north east side elevation of the rear extension.

Relevant Planning History

67181 - Two storey rear extension; Loft conversion including roof extension and Rear dormer; New window to side elevation; New rear garden wall - AC 07/10/2021.

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 rear extension and dormer would have some visibility as viewed from the north east approach along Heapworth Avenue, the site being one of a pair of semis located with the adjoining No.12 to the corner. Whilst the existing property is in brick timber cladding is not an uncommon finish on domestic properties and as such it is not considered it would appear out of place.

Residential amenity - The roof light would be located to the north east side elevation of the new extended roof slope to the side to No.8 Heapworth Avenue. The cill would be at a height of 1.94m from inside floor level and as such it would not cause any overlooking.

The proposal complies with 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

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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 R-0654-SLP, R-0654-01, R-0654-02 A, R-0654-05 E, R-0654-10 i, R-0654-15 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 areas of brickwork for the proposed extension hereby approved shall match that 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.
- 4 Before the first occupation of the extension hereby permitted, the slot window (shown above the patio doors within the two storey extension on drawing R-0654-10 i) in the south-west elevation at first floor shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	26/01/22		