

DELEGATED REPORT

Report by Helen Leach	Date of report: 06/03/2025	Ref: 71441/FUL
Registration: 17/01/2025	LDfC: 18/02/2025	Expiry Date: 14/03/2025
Site Visit: 12/02/2025	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: Single storey extension at rear

Location: 30 Mile Lane, Bury, BL8 2JE

Description

The application relates to a link detached dwelling, which is located off Mile Lane. The dwelling is two storeys and is linked by the attached garage at the side. The dwelling is constructed from red brick with a tile roof and there is a conservatory at the rear. There is parking for 1-2 cars on the existing driveway.

There are residential properties to all boundaries.

The proposed development involves the erection of a single storey rear extension. The proposed extension would be attached to the existing conservatory and would measure 4.5 metres by 6.1 metres. The proposed extension would provide a bedroom and bathroom for a person with disabilities and an extended kitchen.

Relevant Planning History

Adjacent property

35016 - Single storey extension at rear at 32 Mile Lane, Bury. Approved with conditions - 8 March 1999.

Publicity

The neighbouring properties were notified by means of a letter on 27 January 2025.

The neighbouring properties were notified of revised plans on 20 February 2025.

1 letter has been received, which has raised the following issues:

- Can I see some drawings to show proposed location and if any excavation work is needed that may be affect my garden

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

Visual amenity - SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed development involves the erection of a single storey extension adjacent to the existing conservatory. The proposed rear extension is of a simple and unobtrusive design that would not overwhelm the dwelling. The proposed extension would be

constructed from brick and a tile roof, which would match the existing dwelling. The proposed openings would be suitably aligned with the existing openings. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity - SPD6 and H2/3 seek to reduce the impact of proposals on the residential amenity of the neighbouring properties.

- The proposed extension would not impact upon a 45 degree line when drawn from the rear extension at No. 32 Mile Lane, which would comply with SPD6.
- The existing conservatory is located on the boundary with No. 28 Mile Lane and as such, the proposed extension would not have an impact upon the amenity of No. 28 Mile Lane.
- There would be 7.3 metres from the proposed extension to the boundary of the rear garden, which would comply with SPD6.
- There would be 18 metres between the proposed extension and the rear of No. 16 Wheelton Close, which would be acceptable.
- One of the proposed windows in the gable elevation facing No. 32 Mile Lane would relate to a bathroom and would be obscure glazed. As such, it would not impact adversely upon the amenity of the neighbouring property.
- The proposed window and door in the gable elevation would relate to a kitchen, which would not be a habitable room. As such, the proposed development would not have a significant adverse impact upon the neighbouring property.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

Parking - The proposed development would provide an additional bedroom. There is space for 1 vehicle to park on the driveway, which could be extended into the front garden if required. Therefore, the proposed development would be able to provide the necessary parking spaces and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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 Location plan, 1436 - site plan rev 1, 1436 PRELIMS SK4 (20/02/2025) 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 and Places for Everyone Joint 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 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 window in the northern elevation 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>
HL - 06/03/2025		DM - 10/03/2025	