

DELEGATED REPORT

Report by Jane Langan	Date of report: 01/06/2023	Ref: 68674/FUL
Registration: 09/05/2023	LDfC: 31/05/2023	Expiry Date: 04/07/2023
Site Visit: 06/02/2023	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 rear extension

Location: 27 Andrew Street, Pimhole, Bury, BL9 7HB

Description

The property is a mid terraced house with a small garden to the front. It has an enclosed yard to the rear which opens on to a back access street. The adjoining neighbours are Nos.25 & 29 and it has been confirmed that No.29 is owned by the applicant.

The application proposes a single storey extension at the rear 4m deep and 2.8m across. It would form a kitchen with the existing becoming a dining room.

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 proposed extension would have a dual pitched roof with the side elevation to No.29 forming the boundary wall. Doors and windows would be to the side elevation facing into the yard. Materials would be brick and slate tiles to match the existing house.

The proposed extension is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

The proposal would see the loss of private outside amenity space however it is not considered that there are grounds for refusal as there would be an area of yard remaining as outside space.

Parking - The site has no off street parking to be affected.

Residential amenity - The proposed extension would run along forming the boundary with No.29 for 4m in depth. It has been confirmed that the applicant is the owner of No.29. In terms of assessing this neighbouring property then SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected. The proximity of the rear window to No.29 is such that the proposal would encroach the 45 degree line at a point less than 3m. A material consideration is the 'larger homes scheme' which would allow an extension up to 6m deep where there are no objections from neighbours. With the applicant the owner no objection has been to this application. As such there would be potential for a deeper extension along the boundary providing it would fall within the other limitations. One is that it must not exceed 50% of the curtilage. In this

case the site having a front garden and rear yard it would not exceed.

To No.25 on the opposite side the extension would be set in 1.8m from the boundary and this property has its one window away from the party wall. There would be no encroachment over a 45 degree line from its mid point. The door and window to the proposed extension would be to the side elevation facing into the site yard and there is a boundary wall that screens No.25.

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

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

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 2022_05_04_00 Rev A, 2022_05_04_01, 2022_05_04_02, 2022_05_04_03, 2022_05_04_04, 2022_05_04_05 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 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> JL	<u>Date</u> 01/06/23	<u>Sign off Officer</u> DM	<u>Date</u> 01/06/23
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