

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/10/2024	Ref: 71064/FUL
Registration: 03/09/2024	LDFC: 04/10/2024	Expiry Date: 29/10/2024
Site Visit: 23/09/2024	Site Notice: N/A	Press Date: 12/09/2024
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Balcony over storage building at rear (part retrospective)

Location: 36 Albert Street, Ramsbottom, Bury, BL0 9EL

Description

The application, which is part retrospective, relates to a two storey stone built, mid-terraced house on a road of similar styled properties. The rear yard is small and steps up from the rear elevation to the rear boundary wall. The attached property to the south (No.38) has a single storey, flat roof extension (kitchen/utility) covering the rear yard. The property to the north is not extended and has a kitchen window on the ground floor rear elevation with a bedroom window above.

The proposal, which is partly completed, involves demolishing and rebuilding the existing outbuilding at the back of the rear yard and creating a tiled terrace area with frosted glass balustrade above. The outbuilding would extend out 1.5m further out than the original structure. The balustrade would be set in from the edge of the new structure and run along the line of the original structure.

Relevant Planning History

02736/E - Replacement of stone flooring with block and beam and Repurpose the old coal shuttle to create a more stable environment for the outdoor kitchen to provide a usable seating area in the upper and lower area of the yard - Enquiry completed 08/06/2022
24/0264 - Erection of outbuilding in rear garden - 08/08/2024

No.38 Albert Street. -

47464 - Erection of decking - Refused 20/02/2007

49965 - Erection of decking - Refused 15/07/2008

Publicity

Immediate neighbours notified by letter dated 03/09/2024. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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), 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 and heritage - The alterations are within the rear yard and relatively modest in scale and not too dissimilar to the previous structure. Visually the new balcony area would sit above the new outbuilding which has replaced the previous coal store. The new structure is not particularly prominent within the site and not readily viewed from the wider conservation area. The conservation officer has no objection to the proposal.

The proposal, in terms of visual amenity and impact on the wider conservation area, is considered to be acceptable and complies with UDP Policies H2/3, EN2/1 and EN2/2 and

associated guidance in SPD6 extensions and alterations.

Residential amenity - The additional raised terrace would extend out a further 1.5m from the original flat roof structure back towards the house and is approx 3m wide. This additional balcony area would increase the level of overlooking from the area to neighbours on either side. As a consequence, it was requested that the balustrade be set back in to reflect the area on top of the original structure which could have been used as a terrace and mitigate overlooking. The revised plans indicate this more restricted terraced area and as such are deemed acceptable in terms of residential amenity. It is noted that there have been no objections from neighbours.

The proposal, as revised, is considered to be acceptable in terms of residential amenity and complies with UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 revised drawings numbered 1B and 2B 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/10/2024	DM -	22/10/2024