

Description

The application relates to a semi-detached property, 7 Parrenthorn Road which is located in a residential setting. The adjacent property, No 5 is separated by a garden wall which runs the full length of the shared boundary and at the rear of No 7 is the boundary with the rear gardens of Nos 87 and 89 Peveril Close which are separated by a concrete boundary fence, approximately 1.5m high.

There is a driveway to the side of No7 which runs directly adjacent to the gable end of the property and leads to the rear garden which extends approximately 17m.

A detached garage has been erected in the rear garden without planning permission and this application seeks retrospective planning consent to regularise the development.

The garage is 6.1m long, 3.4m wide and 2.3m high with a flat roof and sits on a newly formed concrete hardstanding. It is constructed of metal sheeting and has a common type up and over garage door. It has been erected adjacent to the rear boundary with No 87 Peveril Close and due to the difference in garden levels, the garage sits at a higher ground level by approximately 0.7m comparative to the ground level of No 87.

Relevant Planning History

20/0265 - Erection of outbuilding - 23/09/2020

Publicity

Letters sent on 30/9/20 to 8 adjacent properties on Parrenthorn Road and Peveril Close.

Comment received from No 87 Peveril Close -

- We have talked to the applicant and he has assured us that the garage is only for storage and his car. He has also stated that the metal fencing will not be taken any higher, and so we have no problem with the application.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Impact on residential amenity - The garage is located in the south eastern corner of the garden of No 7 and abuts the boundary with no 5 and No 87.

To No 5, the boundary wall and some planting partly screens the garage from view, and as a single storey build located at the end of the garden and some considerable distance from No 5 itself, impacts both visually and in terms of physical relationship are considered not to be significant.

To No 87, the garage sits at a higher level to that of the neighbour's garden and the garage is, in effect, 3.1m high comparatively. There is also a boundary fence and planting along the neighbour's side which partly screens the structure and planting. The garage is for domestic purposes only and No 87 have confirmed that there would be no objection if this remains the case. a condition that the garage only be used for domestic purposes would address this matter.

as such, it is considered that given the boundary screening and distance away from the property itself, there are no significant impacts on residential amenity.

The development would therefore comply with UDP Policies EN2/3 and SPD6.

Visual amenity - Located in the rear garden of the property, the structure is not evident to views outside the site and visual impacts from out the site are limited and considered not to be detrimental.