

DELEGATED REPORT

Report by Mo Warsame	Date of report: 15/03/2023	Ref: 69357/FUL
Registration: 17/02/2023	LDfC: 16/03/2023	Expiry Date: 14/04/2023
Site Visit:	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: 9 Belvedere Avenue, Tottington, Bury, BL8 4ED

Description

The property is at No. 9 Belvedere Avenue, a detached property. The dwelling is a two-storey red brick house with a drive and attached garage to the front of the property and a garden to the rear. On either side are No. 7 and No. 11 Belvedere Avenue. To the rear, the site shares boundary with No. 25 and 27 Vernon Road.

Planning permission is sought for a single-storey extension to the rear of the property to accommodate an orangery and ensuite bathroom for the ground floor bedroom. The extension would project 2.4 metres from the rear and run the entire width of the property. The proposed development would be constructed using matching materials and would have a flat roof with rooflights over the orangery element and a pitched roof with rooflights over the proposed ensuite bathroom.

This is a resubmission of approved application 68863 with the same description. The only alteration being the type/size of proposed rear and side windows.

Relevant Planning History

68863 - Single storey rear extension- Approve with Conditions 24/11/2022.

Publicity

Neighbour letters sent on 22/02/2023. No Objections.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

Situated to the rear, the development would not be visible from the street scene. The extension would be a rectangular extension, simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

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- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. The proposed development would project 2.4 metres along the shared boundary and therefore would be considered acceptable.
- There would be no direct views towards No. 11 Belvedere Avenue from the proposed extension and there would be a sufficient setback to the shared rear boundary line. On the opposite side, there would be a proposed window facing No. 7 Belvedere Avenue. However, given this property has a rear extension with similar projection and the shared boundary would be separated by high fencing, the development would be acceptable. Furthermore, the neighbours of this property have not objected.

As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

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 DG1-00, DG1-01, DG1-02A, DG1-03, DG1-04 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	15/03/2023	DM	12/04/23