

DELEGATED REPORT

Report by Tom Beirne	Date of report: 24/08/2023	Ref: 69633/FUL
Registration: 05/07/2023	LDfC: 28/07/2023	Expiry Date: 30/08/2023
Site Visit: 22/08/2023	Site Notice: N/A	Press Date: 13/07/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey front extension; 2 no. front dormers with juliette balconies; Two storey rear extension; Raised decking at rear with balustrade balcony; Alterations to existing windows and doors; Render to elevations

Location: The Coach House, School Street, Pimhole, Bury, BL9 7EX

Description

The application relates to a detached stone built dormer bungalow within a larger residential compound surrounding the larger dwelling known as The Coach House. The site is adjacent to School Street as it runs along Barn Brook. The site accessed through double gates and the stone boundary wall, approx 3m high that runs along School Street. The dwelling subject to this application abuts the boundary wall and is visible over the it. The road is not open to vehicular traffic and is a designated footpath (65BUR). The site is within a designated River Valley.

The proposal is to extend to the front and rear in the form of two storey extensions and dormers. on the front the two storey gabled porch extension would sit centrally on the front elevation. and on either side there would be two dormers with balconies. On the rear there would be a two storey extension projecting back 6m to an area of raised decking. The proposed external finish is indicated in the application forms as stone although the elevations appear to indicate a render. The roof material is not indicated but appears from the elevations to be slate/tile.

Relevant Planning History

51977 - Two storey extension at front; raising of height of roof to provide first floor living accommodation - Refused 07/01/2010

52420 - Change of Use of existing garage with living accommodation to dwelling house with dormers - Approve with Conditions 18/05/2010

68352 - Two storey front/rear extension; 2 no. dormers at front with juliette balconies; Raised decking at rear with balcony - Withdrawn - Invalid 26/07/2022

Publicity

Immediate neighbours notified by letter dated 07/07/2023. No objections received.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comment received.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

EN1/1 Visual Amenity

SPD6 Supplementary Planning Document 6: Alterations & Extensions

OL5/2 Development in River Valleys

RT3/4 Recreational Routes

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.

Design, Siting and Visual amenity - The proposed extensions are large and incongruous and appear to dominate the existing modest bungalow and particularly when viewed from the adjacent public footway that runs along the River Valley. The proposed extensions are therefore unacceptable in relation to the existing building, site and surrounds. The proposal is therefore seriously detrimental to visual amenity and is contrary to UDP Policies EN1/1 Visual amenity, H2/3 Extensions and Alterations, OL5/2 Development in River Valley and associated guidance in SPD6.

Residential amenity - Given the siting of the property in relation to neighbours there are no significant residential amenity issues arising from the proposal.

Access and Parking - Access and Parking would remain as existing. Given the size of the curtilage and availability of parking and turning with the site, there are no issues with regard to access and parking. In this respect the proposal complies with UDP Policy H2/3 and guidance within SPD6 Extensions and Alterations.

Public Footpath - The public footpath (65BUR) runs along School Street, adjacent to the site. Whilst the footpath would not be obstructed, there are clear views of the site from the footpath.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be an overdominant and intrusive feature in relation to the existing building and would be seriously detrimental to the visual amenities of its surroundings. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
OL5/2 Development in River Valley
EN1/1 Visual Amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	24/08/2023	DM	25/08/23