

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/03/2023	Ref: 69020/FUL
Registration: 09/11/2022	LDFC: 01/12/2022	Expiry Date: 04/01/2023
Site Visit: 14/03/2023	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 Walnut Avenue, Bury, BL9 7LZ

Description

The application relates to a semi-detached dwelling located on Walnut Avenue. The premises has gardens to front and rear and does not appear to have been previously extended.

Planning permission is sought for the construction/retention of a single storey rear extension that projects approximately 6 metres. The extension was previously dealt with as a prior approval however the as built extension has been constructed with additional opening and therefore a full planning permission has now been submitted.

Relevant Planning History

68074 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 23/03/2022

68989 - Non-material amendment following planning permission (Bifold door to the rear and window and door to the side elevation, extension is slightly different in position) -

22/0281 - Not being built in accordance with prior approval application 68074 (addition of door and patio doors) -

Publicity

Neighbour letters sent 10/11/2022. No representations received.

Statutory/Non-Statutory Consultations

Not relevant

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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension is located entirely to the rear of the dwelling and would not be visible from Walnut Avenue. The extension has a pitched, hipped roof reflecting the shape and style of the original dwelling. The use of matching materials is appropriate, and the proposed windows and doors are appropriately aligned. It is considered that the proposed extension would not overwhelm the dwelling or result in over development of the associated residential amenity space.

It is therefore considered that the proposal complies with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- Whilst the extension projects more than 3 metres beyond the rear of the original

property, the projection of extension matches previously approved prior approval 68074. No objections have been raised by neighbouring properties in relation to the projection of the extension and as such this is considered to be acceptable.

- Proposed side WC window would relate to a non-habitable room and will be conditioned to be obscure glazed.
- The proposed side living room window and living room door are secondary openings on a side elevation and would be partially screened by existing boundary treatments.
- The proposed rear bi-folding door would have a direct onwards view of the garden associated with the host property and would be largely screened by existing rear boundary treatments.
- No windows are proposed facing towards No. 29

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 This decision relates to drawings numbered SHT 1 of 4, SHT 3 of 4 and SHT 4 of 4 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.
- 2 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.
- 3 Before the first occupation of the extension hereby permitted the side WC window shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
HP 14/03/2023		HL 22/03/23	