

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 25/08/2022 | <b>Ref:</b> 68630/FUL          |
| <b>Registration:</b> 01/07/2022 | <b>LDFC:</b> 24/08/2022           | <b>Expiry Date:</b> 26/08/2022 |
| <b>Site Visit:</b> 08/08/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Demolition of existing conservatory and erection of single storey side extension

**Location:** 7 Gosforth Close, Bury, BL8 1EA

**Description**

The application site relates to a two storey detached dwelling, which is located at the top of a cul-de-sac. The dwelling is constructed from brick and the first floor is pebble dashed with a tile roof. There is a small conservatory on the gable elevation. There are gardens to the front, side and rear and a driveway for 2 cars at the front.

There are residential properties to all boundaries. There are bungalows to the west, which are at a lower level.

The proposed development involves the demolition of the conservatory on the side and the erection of a single storey extension at the rear. The proposed extension would be constructed from brick with a tile roof.

**Relevant Planning History**

None relevant.

**Publicity**

The neighbouring properties were notified by means of a letter on 2 August 2022.

1 letter was received, which has raised the following issues:

- No issues with the application for the extension.

**Statutory/Non-Statutory Consultations**

None required.

**Pre-start Conditions** - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

**Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| H2/3  | Extensions and Alterations                                  |
| EN1/2 | Townscape and Built Design                                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |

**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 single storey rear extension would be of a simple and unobtrusive design and would not detract from the character of the dwelling. The proposed windows are considered to be suitably aligned and the proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply 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.

- The proposed extension would project 3.5 metres, which would be beyond the 3 metres allowed in SPD6. The nearest opening in No. 12 is a door, followed by a kitchen window and then a dining room window on the far side of the dwelling. As such, the proposed

extension would not encroach the 45 degree line when drawn from the dining room window.

- There would be 19.1 metres from the rear of No. 47 Throstle Grove to the proposed extension, which is in excess of the aspect standards in SPD6.
- There would be 15.9 metres from the patio doors in the proposed extension to the southern boundary, which would be in excess of the aspect standard in SPD6.
- The proposed extension would not impact upon the parking provision.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies H2/3 and EN1/2 of the Bury Unitary Development Plan.

**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 01, 02, 03, 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><br>HL | <u>Date</u><br>25/08/22 | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------------|-------------------------|-------------------------|-------------|