

DELEGATED REPORT

Report by Oliver Sear	Date of report: 09/10/2020	Ref: 65894/FUL
Registration: 02/09/2020	LDFC: 28/09/2020	Expiry Date: 28/10/2020
Site Visit: 17/09/2020	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of detached garage/outhouse

Location: 357 Ainsworth Road, Bury, BL8 2LU

Description

The application relates to a detached bungalow on Ainsworth Road. There is a long driveway leading up to the dwellinghouse which encompasses the length of the house. There is access to the rear via both sides. At the rear there is a large garden area.

The dwellinghouse is setback from the highway. To the North Nos. 347, 349, 351, 353 and 355 have a rear facing the applicant site. To the West Nos. 38 and 40 Abbey Road would overlook the dwellinghouse. At the rear the boundary is shared with Nos. 110, 112, 114, 116 and 118 Fieldhead Avenue.

The proposal is for an outbuilding. It would be a garage and gym located to the North East of the dwellinghouse. It would have a dual pitched roof with a max height of 4.35 metres and eaves of 2.625. It would have an area of 6 metres by 10 metres.

Relevant Planning History

53953 - Prior notification for 12.5 m high street pole with shrouded antennas and equipment cabinets to facilitate site sharing - Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
16/06/2011
65641 - Lawful development certificate for proposed single storey detached garage/outhouse - Withdrawn by Applicant 27/08/2020
14/0330 - Work carried out to TPO trees - 11/11/2014

Publicity

Neighbour letters sent 07/09/2020 - 3 objections received from 345, 347 and 349 Ainsworth Road.

345 ainsworth road summerised:

Proposal would damage the visual appearance of the area and affect wildlife.
Location is green area with many houses having an outlook over it.
The proposal may require trees to be removed.

347 Ainsworth road Summerised:

Concerns the usage of the proposal would be for manufacturing.
Concerns regarding the removal of trees and potential outlook from windows.
Concerned with the distance from the garage to the boundaries
By converting one of the existing garages into a 'show home' would have a detrimental effect on the neighbourhood.
The proposed garages would be overbearing and out of character in their appearance.

349 ainsworth road Summerised:

Concerns of business use for the proposal.

Concerned regarding the view from the rear windows.

Concerns surrounding the distance to the boundaries.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Unitary Development Plan and Policies

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.

SPD6 states that outbuildings will not usually be allowed at the front of domestic properties. In this case the dwellinghouse and proposed outbuilding are located away from the street with no visibility of the proposal from the street. As such the proposal is considered to be adequately screened from the street and is considered to be acceptable.

The proposed garage would have a dual pitched roof which is considered to be acceptable. The garage would have a render finish under permitted development rendered outbuildings are acceptable and as such for this application the materials are considered to be acceptable. The proposed garage is considered to be of a suitable scale and would not overwhelm the dwelling or the residential amenity space located to the front of the property.

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.

- There Would be a window added to the South Elevation this would provide an outlook from the gym room across the applicants garden and is considered to be acceptable.
- There are no dwellings directly to the South side of the proposed garage.
- There are no dwellings directly to the East of the Proposed arage.
- The North side of the garage would face the rear elevation of Nos. 349 and 347 Ainsworth Road. This elevation would be located approximately 18 metres from the rear elevation of this property exceeding the 6.5 metres required by SPD 6.

Response to Objections

The proposal would not be built in an area with a Tree Protection Order although the site does contain TPOs at the rear of the house and a blanket TPO running the length of the driveway. Unprotected trees can be removed with the permission of the land owner.

The proposal is within a residential area and the addition of a garage would not be out of place in such a residential area.

The proposed plans show the useage of the outbuilding as a garage and gym. This is conditioned on the application form and any non residential useage would require additional planning consent.

The proposal would be close to the boundaries but would meet the required aspect standards outlined in SPD6 and as such is considered to be 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 1, 2, 3 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
O.S	09/10/2020	DM	21/10/20