

DELEGATED REPORT

Report by Amanda

Date of report: 24/03/2025

Ref:71597/FUL

Uhunmwagho

Registration: 06/02/2025

LDfC: 12/03/2025

Expiry Date: 03/04/2025

Site Visit: 28/02/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolish existing garage building; Erection of out building in front garden

Location: 20 Cliff Road, Bury, BL9 9SP

Description

The application relates to a previously extended two storey property in a short row of three dwellings. Numbers 22 and 24 Cliff Road are both bungalows. It fronts on to Cliff Road which is a short unadopted road that runs along the rear of properties on Lawrence Street. To the west is Chelsea Street which has industrial buildings opposite the site.

The site has a good sized front garden with fencing to the east side elevation and a hedge along the front. There is a wall and fencing to the west boundary. There is pedestrian access at the front of the site and vehicular access from the west. There was a detached garage located to the front southwest corner of the site. This has recently been removed.

The proposal is to build a detached out building in the southwest corner of the front garden. It would measure 6055mm x 4950mm and the roof would be pitched. The height to the ridge would be 3725mm.

The building would provide a store, wc and a snug. There would be no windows to the south and west side elevations. To the east there would be two windows and to the north side there would be bi-folding patio doors. The finished materials would be to match the main dwelling.

Relevant Planning History

49227 - Two storey and first floor extension at side - Approve with Conditions 22/01/2008

65286 - Single storey side extension; Pitched roof over existing extension - Approve with Conditions 29/04/2020

Publicity

9 neighbours notified on 18/02/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 building would be a similar length to the garage but it would be slightly wider and the ridge height would be increased from around 2641mm to 3725mm. As such the building would project higher above the boundary fence/hedge compared to the existing building. To the west of the site are industrial buildings only and to the front are the rear of properties on Lawrence Street, some of which have garages adjacent to the unadopted road. Given the location of the site there would be limited views of the outbuilding. As such the design of the proposal is considered acceptable in this location.

The proposed finished materials would be considered to be in keeping with the dwelling on site.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- As the building would be to the front of the site there would be no impact on residential amenity at properties to the north.
- There are no residential properties to the west of the site.
- The building would be a sufficient distance from the shared boundary with no.22 Cliff Road to the east not to have any significant detrimental impact on residential amenity at that property.
- The separation distance between the outbuilding and residential properties to the south would be acceptable in terms of SPD 6.
- The plans show that all of the development would take place within the site and there would be no encroachment of the road to the front or side of the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The existing garage would be removed resulting in the loss of one parking space on site. However, the existing driveway would be unaffected by the proposed development. As such there would still be enough room to park several vehicles to the front of the site.

Enforcement action ref 25/0084 -

The applicant has recently removed the garage from its original position in anticipation of the outcome of the planning application. However, they have erected it to the front southeast corner of the site, adjacent to the shared boundary and driveway at no.22 Cliff Road. A complaint has been received by the Council and the complaint reference number is 25/0084. The applicant has advised that they intend to submit a planning application proposing to retain the detached garage in the southeast corner of the site, albeit with a lower roof.

This complaint does not affect the current proposal, but the applicant will need to submit an application for the structure as soon as possible. Planning Enforcement are currently monitoring this site and the complaint will remain live until a planning application is received.

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 TDS-25-196-01, TDS-25-196-02 and TDS-25-196-03 received on 06/02/2025 and drawing numbered TDS-25-196-04 received on 21/02/2025 as modified by the email from Thorp Design Services dated 21/02/2025. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing dwelling.
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>
AU - 24/03/2025		DM - 26/03/2025	