

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/10/2023	Ref: 69833/FUL
Registration: 11/08/2023	LDFC: 06/09/2023	Expiry Date: 06/10/2023
Site Visit: 19/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Construction of detached garage at rear

Location: 41 Wood Road Lane, Summerseat, Bury, BL9 5QA

Description

The application relates to a semi-detached two storey dwelling in a small settlement in a semi-rural area of Summerseat. The site is within the Green Belt and River Valley and is a Special Landscape Area.

The proposal is to erect a domestic garage/store with a total floor area of 37.5 sq m, within the residential curtilage of 41 Wood Lane Road. The single garage would measure 7.5m(L) by 5m(W) with a pitched roof with a ridge height of 4.6m. It would have a stone front with rendered side and rear and a slate roof.

Relevant Planning History

60439 - Single storey extensions at front and rear, two storey/first floor extension at side with extension of existing balcony and erection of detached garage - Approve with Conditions 23/09/2016

Publicity

Immediate neighbours notified by letter dated 16/08/2023. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No comment received.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL1/1	Designation of Green Belt
EN9/1	Special Landscape Areas
OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors

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 and Green Belt - The house has not been extended significantly in the past. The garage is positioned appropriately with the garden area, adjacent to the house and set back 6m from the road. It would be relatively modest in scale and within the garden and set amongst a cluster of surrounding properties, would not have a significantly detrimental impact on the character or openness of the Green Belt or River Valley. With a pitched slate roof and stone/render walls, it is well designed and would reflect other properties within the area and would not impact on the Area of Special Landscape.

The proposal is acceptable in terms of visual amenity and complies with UDP Policies H2/3 Extensions and Alterations, EN1/1 Visual Amenity, EN9/1 Special Landscape Area, OL1/2 New Buildings in the Green Belt and OL5/2 New Development in the River Valley and guidance in SPD6.

Residential amenity - Given its scale and position on the far side of the house to the attached neighbour at No.43, there are no residential amenity issues arising. The proposal complies with UDP Policy H2/3 and guidance in SPD relating to extensions and alterations.

Traffic - The garage would be set 6m back from the edge of the road, giving enough space to park in front of the garage and clear of the highway. Gates would open inwards and would not impact on public access. The existing access would be utilised without any alterations. A condition would be attached to require the driveway to be constructed in

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permeable materials. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD relating to extensions and alterations.

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 site plans received 20/07/2023 and Dwg reference 3286-01 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.
- 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The proposed driveway shall be constructed of permeable/porous materials as set out in the Dept of Communities and Local Government publication "Guidance on the Permeable Surfacing of Front Gardens".
Reason: To secure the satisfactory development of the site pursuant to UDP Policy H2/3 and guidance in SPD6 Alterations and Extensions.
- 5 The gates shall open inwards only as indicated on the approved plan.
Reason. In the interests of highway safety pursuant to UDP Policy H2/3 and guidance on extensions and alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	4/10/2023		