

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 27/09/2023 | <b>Ref:</b> 69982/FUL          |
| <b>Registration:</b> 10/08/2023 | <b>LDfC:</b> 15/09/2023           | <b>Expiry Date:</b> 05/10/2023 |
| <b>Site Visit:</b> 26/09/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Erection of garden cabin in rear garden

**Location:** 21 Greenmount Drive, Tottington, Bury, BL8 4HA

**Description**

The application relates to a two storey detached property on a residential road characterised by different house styles. The application property has a steep pitched roof to the south side with a flat roof dormer and to the north side the roof has a partial hip. There is a garage to the south side of the dwelling with a driveway in front and in addition there is further parking to the north side of the site for at least two further vehicles. There is an area of lawn to the centre of the front of site with a low stone wall along the front boundary.

To the rear of the property there is a large garden, conservatory and decking. The garden backs onto open fields to the rear. There are fences to all boundaries and some planting. Given the way the land slopes up from south to north no.19 Greenmount Drive is slightly lower in level and no.23 is slightly higher.

The proposal is to build a flat roofed summerhouse at the rear of the garden, adjacent to the shared boundary with No19. The structure would have a footprint W13.4m by W5.1m and a height of 3m. It would be finished in a mix of render and timber cladding. It would accommodate an ancillary lounge, kitchen area and toilet.

**Relevant Planning History**

66193 - Residential development of 2 no. detached dwellings - 02/08/2021  
52002 - Change of use from agricultural land to domestic garden - Approved 21/01/2010  
66193 - Residential development of 2 no. detached dwellings - Refused 11/03/2021  
69262 - Two storey rear extension with glazed balcony; Two storey side extension with front & rear dormers; Two storey front extension; Single storey rear extension - Approved 27/03/2023

**Publicity**

Immediate neighbours notified by letter dated 25/08/2023. No objections received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions - N/A**

**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.

**Use** - The use of the summerhouse would be ancillary to the main dwelling and therefore acceptable and compliant with UDP policy and guidance relating to extensions and alterations.

**Visual amenity** - The proposed summerhouse with a flat roof and at ground level, would not appear out of scale with the rear garden and situated in the rear corner, would not be particularly prominent. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

**Residential amenity** - Given the scale, siting and appearance, the summerhouse would not have a seriously detrimental impact on the residential amenity of immediate neighbours. Complies with UDP Policy H2/3 and guidance in SPD6.

**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 LP02, BP01, 02, SH1, 2, 3, and 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.
- 3      The summerhouse hereby approved shall not be used other than for the purposes ancillary to the principal dwelling.  
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 27/09/2023  |                         |             |