

DELEGATED REPORT

Report by Tom Beirne	Date of report: 01/09/2025	Ref: 72176/FUL
Registration: 15/07/2025	LDFC: 26/08/2025	Expiry Date: 09/09/2025
Site Visit: 19/08/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of part rear single storey extension

Location: 96 Scholes Street, Bury, BL8 2RA

Description

The application relates to an end terrace property located on Scholes Street. The premises has an existing single storey rear extension covering the rear yard area, that has been refused and an enforcement notice upheld for its removal. Prior to the erection of the extension, the property had a rear conservatory projecting out almost 3m into the yard.

The application seeks to demolish a 3.1m section of the single storey outrigger that was subject to the enforcement notice. The proposal would leave a 4.8m section of the remaining outrigger

Relevant Planning History

61261 - Single storey extension at rear - Refused 20/04/2017

63199 - Demolition of rear store and retention of part single storey extension - Approved 01/10/2018

10/0437 - Running a business from residence - 29/10/2010

17/0015 - Extension at rear - 17/03/2017

20/0277 - Not being built in accordance with approved plans of planning permission 63199 - 26/10/2020

Publicity

Immediate neighbours notified by letter dated 05/08/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), 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.

Visual amenity - The demolition of a 3m section of the single storey outrigger would improve the appearance of the building within the immediate area and reduce the dominance of the built form within the plot. The remaining section of outrigger would not appear as unusual and would not appear incongruous. In terms of visual amenity, the proposal would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The proposal to demolish part of the outrigger would have a beneficial impact on the neighbours and allow the residents to use the open yard for outdoor amenity, bin storage and drying. The proposal would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations and residential amenity.

Enforcement

The demolition of part of the outrigger would directly address the reason for refusal of previous schemes and the enforcement notice, providing that the proposal is implemented.

The main issue centred upon the need to have sufficient space for bin/refuse storage.

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 proposed demolition and associated works set out in the approved plans shall be implemented to the satisfaction of the Local Planning Authority within 3 months of the date of this decision notice and all demolition/construction materials shall be removed completely from the site within this time frame.
Reason. To secure the proper development of the site pursuant to UDP Policy H2/3 Extensions and Alterations and in the interests of visual and residential amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	1/9/25	DM	1/9/25