

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 09/11/2023	Ref: 70080/FUL
Registration: 14/09/2023	LDfC: 16/10/2023	Expiry Date: 09/11/2023
Site Visit: 19/10/2023	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: Two storey/single storey rear extension; Front canopy

Location: 26 Larkfield Close, Tottington, Bury, BL8 4QJ

Description

The proposal relates to a two storey detached suburban dwelling positioned at the immediate north side of the junction between the residential streets of Hunt Fold Drive and Larkfield Close. There is a single storey extension off the rear elevation. The property is finished in red brick with a tiled roof and white uPVC windows.

The proposal is for the erection of a two storey rear extension that would project 7m from the existing main rear wall at ground floor, 4.87m at first floor (i.e. stepped back 2.13m from the ground floor) and would be 6.48m wide. The existing single storey extension would be extended an additional 1.34m and assimilated with the single storey element of the proposed extension by the installation of a flat roof. The proposed two storey extension would have a ridged roof. It would be finished in matching red brick, concrete tiles and uPVC windows/bifold doors.

Relevant Planning History

N/A

Publicity

Direct neighbour notification letter 25/09/2023. No representations received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Not relevant

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.

ASSESSMENT

Visual amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that complements 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 extensions would be of a scale, form, proportions, design and materials to assimilate appropriately with the existing dwelling.

The proposed extensions would not therefore have any adverse impacts upon visual amenity or the street scene and consequently be compliant with the above policy and SPD.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties. SPD 6 provides specific advice in relation to rear extensions.

- There is an existing high hedge to the northern boundary with the nearest neighbour at 28 Larkhill, which presents a blank single storey side elevation and a two storey gable towards the site.
- The property to the rear at 34 Hunt Fold Drive presents a blank two storey gable to the boundary and there would be a 13m separation to the two storey rear elevation.
- A distance exceeding 7m would be retained between the two storey extension and the

- rear boundary to 34 Hunt Fold Drive.
- The proposed first floor of the proposed extension would not include habitable room windows in the side elevations.

Given the above circumstances, the proposal would not have unacceptable additional impacts upon neighbouring amenity and would comply with the requirements of the above UDP Policy and SPD 6.

Access and parking

The proposal would result in a five bedroom dwelling (from four). The proposal would retain four off-street parking spaces within the curtilage and garage.

Conclusion

The proposed extension would not have any unacceptable impacts upon visual or residential amenity and would retain an adequate level of parking. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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:

- 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.
- This decision relates to drawings:
Site Location Plan dated 14/09/2023
Existing and Proposed Block Plans (Dwg No. 21.2590.13)
Proposed Floor Plans (Dwg No. 21.2590.10)
Proposed Elevations 1 (Dwg No. 21.2590.11)
Proposed Elevations 2 (Dwg No. 21.2590.12)
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.
- 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 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>
DSC	09/11/2023		

