

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/10/2022	Ref: 68718/FUL
Registration: 27/07/2022	LDfC: 16/09/2022	Expiry Date: 21/09/2022
Site Visit: 09/09/2022	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: Single storey rear extension

Location: 28 Gisburn Drive, Bury, BL8 3DH

Description

The property is a detached dwelling which is built up from the road in front with a sloping lawn leading down to the road in front. The property has an attached double garage and parking on site in front of the garage for several vehicles. There are no properties directly to the rear of the site while properties to the front of the site are over 20 metres away and are positioned downhill from the site. To the sides are No. 26 Gisburn Drive (east) and No. 30 Gisburn Drive (west), both of which are similar in scale and design as the application property.

Planning permission is sought for a single-storey extension to the rear of the property to accommodate a larger dining area and kitchen along with a new utility room. The extension would project 3.4 metres from the rear of the existing dining room and run for approximately 9 metres. The proposed development would be constructed using matching materials and would have a flat roof with rooflight.

Relevant Planning History

None.

Publicity

Immediate neighbours notified on 25/08/2022. No representations were 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
HT2/4	Car Parking and New Development

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 -

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The application relates to a detached dwelling located on Gisburn Drive. The extension would be built on the rear elevation of the property and as such would not be visible from the street scene at the front. It would be constructed with matching materials and a design that would be considered in-keeping with the existing property as well as surrounding properties.

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.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be no direct views from a habitable window towards the adjacent No.26 Gisburn Drive. Furthermore, the only window on the side of this property is an obscure bathroom window. However, the proposed window from the new utility room would also be facing onto this neighbours' rear garden. Given the proximity to the shared boundary, this window will be conditioned to be obscure. Therefore, there would be no detrimental impact on No. 26 Gisburn Drive.
- The proposed dining room window facing towards No. 30 Gisburn Drive would not have serious impact on this neighbour as there would be a sufficient setback to the shared boundary with this property. Additionally, the proposed window would be screened by plants, shrubs and trees and 2 metres high fencing beyond.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 3.4 metres along the shared boundary would be considered acceptable in this instance
- There is a sufficient setback to the rear boundary and beyond there would be no properties.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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 drawing No: 21/604.01, 21/604.BP, 21/604.10 (A), 21/604.11 (A) 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 external finishing materials for the proposal hereby approved shall match those

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of the existing building plus rendering as outlined in drawings submitted.

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.

- 4 The window subject to this application shall remain obscure glazed.

Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	19/10/2022		