

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 11/08/2022 | <b>Ref:</b> 68540/FUL          |
| <b>Registration:</b> 09/06/2022 | <b>LDfC:</b> 28/07/2022           | <b>Expiry Date:</b> 04/08/2022 |
| <b>Site Visit:</b> 18/07/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension

**Location:** 12 Timberhurst, Bury, BL9 7NZ

**Description**

The property is a semi detached house located within a cul de sac. It has been extended single storey at the side and to the rear with a conservatory. To the rear is a fenced garden and there are no properties beyond the rear boundary. The adjoining neighbour is No.11 and has a main window to the party wall side to the rear elevation and timber fencing runs along the garden boundaries.

The application proposes to remove the conservatory and construct a single storey extension 6m deep and 6m across.

**Relevant Planning History**

48210 - First floor extension at side; single storey extension at rear; pitched roof canopy at front - AC 20/07/01.

**Publicity**

Surrounding neighbours were notified by letter and no responses have been received.

**Statutory/Non-Statutory Consultations**

None.

**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.

**Visual amenity and design** - The proposed extension would have a dual pitched roof with roof lights, bi fold doors to the rear and windows to the side facing into the garden. Materials would be concrete roof tiles and matching brick work.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

**Parking** - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered and the existing parking arrangements would not be affected.

**Residential amenity** - The proposed extension would be adjacent the boundary with the adjoining No.11 and be 6m in depth and blank wall. As existing the site has a conservatory that runs along the boundary which is 3m deep then angled bringing the depth to 3.9m. SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected. The proximity of the window to No.11 is such that the proposal would encroach the 45 degree line at a point less than 3m. This neighbouring property is located to the north side of the proposed development and therefore the addition of a further 3m of development along the boundary would have a significant impact. Generally then the proposal would be considered unacceptable and however a material consideration is the 'larger homes scheme' which allows semi detached properties to extend up to 6m

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deep where there are no objections from neighbours. No representations have been made on this application therefore there is a permitted development fallback position. As such there are not considered to be any justified grounds for refusal.

The proposal would not conflict with the purposes of UDP Policy H2/3 and SPD6 - 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 drawings numbered P01, P02, P03, P04 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| JL                  | 11/08/22    |                         |             |