

DELEGATED REPORT

Report by Helen Leach	Date of report: 12/07/2022	Ref: 68153/FUL
Registration: 26/04/2022	LDfC: 26/05/2022	Expiry Date: 21/06/2022
Site Visit: 12/07/2022	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: COUS

Proposal: Change of use of land at rear to form amenity area and rear garden; single storey rear extension; front porch

Location: 86 Castle Hill Road, Bury, BL9 7RW

Description

The application site relates to the end terraced property and the land to the rear, which is located between Castle Hill Road and Woodgate Hill Road. The existing dwelling is constructed from stone with a slate roof. The dwelling has a small front garden and a rear yard area, which contains an outbuilding. The land to the rear is grassed with some areas of hardstanding and there is a detached building, which is in use as a garage. The site is accessed via a existing single track access on Castle Hill Road to the north of the dwellings.

There are residential properties to all boundaries and a back street connects Castle Hill Road and Woodgate Hill Road to the east of the site.

The attached dwelling (No. 84) has an existing porch and outbuilding in the rear yard and are located along the north western boundary.

The proposed development involves the change of use of the land at the rear to residential curtilage, a front porch and a single storey rear extension. The proposed porch would be constructed from stone and slate and would have a double pitch roof.

The proposed rear extension would occupy all of the rear yard and would have a flat roof. The proposed extension would be constructed from natural stone with a parapet detail. An access to the existing garage would be provided with a small patio area and the remainder would be grassed.

A 2 metre high stone wall would be constructed from the patio area to the back street to allow Nos 82 and 84 to access the rear of their properties. This would be permitted development.

Relevant Planning History

None relevant.

Publicity

The neighbouring properties were notified by means of a letter on 4 May 2022.

1 letter has been received, which has raised the following issues:

- Concerned about a old stone wall which is adjacent to our property. It is unstable and will hinder privacy for everyone. It would be better to rebuild this wall in keeping with the proposed 2 metre high wall across the access path.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Contaminated Land Section - No comments

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
HT2/4	Car Parking and New Development
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

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.

Principle - The application site is not allocated in the UDP and there are no sensitive land uses in the immediate vicinity. The site is surrounded by residential properties and as such, the proposed change of use to residential curtilage would not conflict with the surrounding properties. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Visual amenity - SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments 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 front porch would be not project excessively from the front elevation. The proposed porch would be constructed from stone and slate, which would match the existing dwelling. The proposed porch would include a small window in each gable elevation and would have a double pitched roof. Overall, the proposed porch would be of a suitable scale and massing and would not be a prominent feature in the streetscene.

The proposed stone wall would be located within the site and would be 2 metres in height, which is permitted development. The proposed wall would be constructed from stone, which would match the existing dwellings and the existing walls. As such, the proposed wall would not be a prominent feature in the streetscene.

The proposed rear extension would occupy all of the rear yard and would measure 7.2 metres by 4.7 metres. The proposed extension would have a flat roof with a roof lantern and would be constructed from stone with a parapet detail. The proposed materials would match the existing dwelling and the location at the rear would mean that the proposed development would not be visible in the streetscene. It is considered that the overall proposal is of a suitable scale and massing and given the change of use to residential curtilage, it would not result in over development of the associated residential amenity space.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with Policies EN1/2 and H2/3 of the Bury Unitary Development Plan and SPD 6.

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

The dwellings to the rear of the site are 35 metres away and would be at a higher level. The proposed development would not have a significant adverse impact upon the amenity of the occupiers of these properties.

The proposed stone wall would be 2 metres in height and there would be at least 8.4 metres between the rear elevations of Nos 82 and 84, which would be in excess of the 6.5 metre aspect standard.

The proposed extension would project 7.2 metres from the rear elevation and would occupy the existing rear yard area. The proposed extension would have a flat roof at a height of 2.75 metres. In the rear yard of No. 84, there is a porch, which projects from the rear elevation and a single storey outbuilding in the northern corner, which measures 3 metres by 1.7 metres.

The proposed extension would break the 45 degree rule when drawn from the window of No. 84. However, the proposed extension would be lower than the existing rear porch and the outbuilding. A further material consideration is also the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case. For the reasons as stated above there are not considered to be any justified grounds for refusal in this case.

Whilst the proposed extension would project a further 1.2 metres further than the larger homes scheme would allow, it is necessary to assess whether the additional 1.2 metres would be acceptable. The additional 1.2 metre of the proposed extension would be located adjacent to the existing outbuilding, which would be higher than the proposed extension. As such, the proposed outbuilding would have more of an impact than the proposed extension. Therefore, the proposal would not have a significantly adverse impact upon the amenity of the neighbouring property.

The proposed extension would hit the 45 degree line when drawn from the habitable room window to No. 88. No. 88 is 0.5 metres higher than the proposed development and the proposed extension would be 2.75 metres in height with a flat roof. Given that the access road separates No. 88 from the application site, the floor level to No. 88 being 0.5 metres higher and the height of the proposed extension, it is considered that the proposed development would not have a significant adverse impact upon the neighbouring property.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies EN1/2 and H2/3 of the Bury Unitary Development Plan.

Highways issues - The land at the rear is currently accessed from a single track access between Nos. 86 and 88 Castle Hill Road and this would be maintained. The existing garage at the rear would remain in use as a garage and there would be space within the site to park 2 vehicles. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and H2/3 of the Bury Unitary Development Plan.

Response to objectors - There are no works proposed to the existing stone wall along the southern boundary, which is 2 metres in height. There is a back street and the properties on Woodgate Avenue have 1.8 - 2 metre high brick walls. As such, the proposed development would not cause a loss of privacy.

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 TG.210222.A, SH.180322.A,

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TG-01-02-22-A, TG-01-02-22-B, TG-01-02-22-C 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 of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Class E of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 12/07/2022			