

DELEGATED REPORT

Report by Oliver Sear	Date of report: 08/10/2020	Ref: 65852/FUL
Registration: 03/09/2020	LDFC: 29/09/2020	Expiry Date: 29/10/2020
Site Visit: 10/09/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear

Location: 3 Hillstone Close, Tottington, Bury, BL8 4EZ

Description

The application relates to a detached dormer bungalow located on Hillstone Close. At the front there is a driveway leading to an attached garage and a paved garden area. There is access to the rear via both sides with the main access on the South side. At the rear there is a private garden area.

There are unattached neighbours to the North and South which are Nos. 5 Hillstone Close and 4 St Austell Drive. The rear boundary is shared with No.6 St Austell Drive and 18 Greenmount Drive. Across the highway at the front is No. 2 Hillstone Close.

The proposal is for a single storey rear extension. It would project 2.7 metres off the rear wall and cover 5.5 metres of the rear wall. There would also be the introduction of a proposed deck which would cover the entire rear elevation and project 1 metre from the proposed extension.

Relevant Planning History

58536 - New front porch and render to front elevation - Approve with Conditions 24/04/2015

Publicity

Neighbour letters sent 08/09/2020 - No responses received

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Unitary Development Plan and Policies

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 SPD 6 are relevant here and seek to achieve a high standard of design. This is to make sure the development compliments the original building, and does not have a negative impact on the appearance of the host building, neighbouring properties and the general street scene.

The materials would be a black timber cladding. Cladding is acceptable under permitted development and with limited visibility from the street the proposal is considered to be acceptable.

The design is of a simple and unobtrusive nature and as such would not detract from the appearance and character of the existing building.

The proposed rear extension would not be visible from Hillstone Close and as such would not detract from the street scene.

As such the proposal would be compliant with the policies outlined in SPD6.

Residential Amenity

UDP H2/3 and SPD 6 seeks to reduce the impact of developments on the residential amenity of neighbouring properties.

The proposed rear extension would project less than 3 metres off the rear wall of No.4 St Austell Drive and No. 5 Hillstone Close. This meets the requirements of SPD6 which allows extensions to project 3 metres from the level of the neighbouring dwellinghouse. privacy to There would be no side windows to the extension meeting the requirements of SPD6.

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As such the proposal would meet the requirements of SPD6 to protect the residential amenity of the neighbouring properties.

The proposed decking would be 350mm above the ground level at its highest point. Permitted development rights allow decking up to 300mm. It is considered that the 50mm over what would be permitted development would not have any significant impact on the amenity of neighbouring properties and as such is considered to be acceptable.

Parking

The proposed development would not remove any existing off street parking and would not create any additional bedrooms. This meets the parking requirements outlined in SPD6.

The proposal is acceptable in terms of residential and visual amenity and complies with Bury planning policies.

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 1000 Rev P01, 1001 Rev P01, 1002 Rev P01, 1003 Rev P01, 1004 Rev P01, 1008 Rev P01, 1009 Rev P01 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
O.S	08/10/2020	DM	15/10/2020