

Description

The property is a two storey detached house. The area to the front of the dwelling is paved providing on site parking for at least two vehicles and to the rear is a good size private garden with fences to all boundaries.

Both adjacent properties are detached and no.14 has a garage adjacent to the shared boundary with site.

The proposal is to build a single storey side/rear extension. At the rear it would project 3.6m from the existing rear elevation and it would measure 10.79m wide. At the side it would project 1.5m and it would measure 5.84m long. The roof would be flat with a parapet and there would be three roof lanterns. There would be doors and windows to the rear elevation and at the side there would be a door in the front elevation.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 25/09/20 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

The proposed single storey extension would be built with a design and materials that would compliment the dwelling and as the majority of the extension would be on the rear elevation it would not be visible in the street scene at all. The side section would be positioned towards the rear elevation in between the original property and the neighbouring house. With this in mind it would not have any detrimental impact of the existing street scene. The design of the proposal is considered to be in keeping with the existing building.

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 -

- As the extension would be on the rear elevation there would be no seriously detrimental effect on properties to the front.
- The plans show that there would be 7.4m from the rear elevation to the shared boundary with no.78 Trimingham Drive and approximately 17m to the rear elevation of this property. These distances would be sufficient in terms of SPD6 and the existing boundary fence would also screen ground floor views to and from the site. With this in mind there would not be any seriously detrimental impact on residential amenity at 78 Trimingham Drive, or any other property to the rear of the site.
- Given the position of the proposed extension there would be no detrimental impact on

existing parking arrangements to the front of the site.

- The southern side elevation would be no nearer to the shared boundary with no.10 than the existing side elevation and as the extension would project less than 4m from the existing rear elevation it is noted that the applicant could build a similar size extension under Permitted Development rules. Also, there are no habitable room windows in the side elevation of no.10 Wroxham Close.
- On the northern side the extension would wrap around to the side. As it would be built adjacent to a garage at no.14 and there is only an external door at ground floor level the proposed extension would not cause any seriously detrimental effect to residential amenity at the property.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties and that it is no more than 4m on the boundary.