

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/07/2022	Ref: 68391/FUL
Registration: 02/05/2022	LDFC: 04/06/2022	Expiry Date: 27/06/2022
Site Visit: 14/06/2022	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: Detached outbuilding and raised decking at rear

Location: 47 Ajax Drive, Bury, BL9 8EF

Description

The application relates to a two storey semi-detached house on a residential road of similar properties. The house has been extended to the side and rear. There is a driveway to the side and the large rear garden slopes steeply down to the open space at the rear. Records indicate Public Right of Way (96 Bury) runs alongside the site but is not used.

The adjoining neighbour is No.45 and has not been extended to the rear. On the other side, No.53 is separated by a relatively wide gap and its own driveway. It has a garage to the side and an obscure glazed window on the side elevation.

The proposed flat roofed outbuilding would sit on a lower level to the rear of the house and have a footprint measuring 11m by 5.5m. It would be 2.9m high and constructed in vertical timber cladding. It would comprise a recreation room, ancillary to the main house.

Relevant Planning History

64581 - Single/two storey extension at rear, Juliet balcony at rear, first floor extension at side, porch at front, raised decking at rear and render to all elevations - Approve with Conditions 29/10/2019

66558 - Single storey side extension; Lower ground floor rear extension with flat roof and patio above - Refused 19/04/2021

20/0137 - Works to rear garden -

21/0127 - Not being built in accordance with approved plans of planning permission 64581 -

Publicity

Immediate neighbours notified by letter dated 13/05/2022. No objections received.

Statutory/Non-Statutory Consultations

PRoW - No comment received.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
RT3/4	Recreational Routes
EN1/2	Townscape and Built Design

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 - As the outbuilding and decking is at the rear of the property and not readily viewed from the public arena, there are no serious visual amenity issues arising from the proposal. As such the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance.

Residential amenity - The proposed outbuilding, although relatively large for a garden structure, would sit on lower ground and at a height of less than 3m, would not be particularly dominant within the extensive garden area. It is proposed to partly screen the structure with planting along the side boundary.

The area of decking has been revised from the original submission and reduced in size with a privacy screen along the side of the decking adjacent to the attached neighbour in order to minimise the loss of privacy. It is noted that no comments/objection has been received

the attached neighbour at No.45.

To the opposite side, No.53 is located across a wide gap and with its garage to the side. The side elevation of the proposal would have one window at first floor which would be to an en suite.

There would then be no serious impact on the amenity of any adjacent neighbouring properties and as such the proposal complies with UDP Policy H2/3 and SPD6 Alterations and Extensions to Residential Properties.

PRoW - Neither the outbuilding or the decking would impact on the line of the PRoW which is not used in any case.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 ZT22-196-02, 03 and 04(revised) 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>
Tom Beirne	05/07/2022		