

DELEGATED REPORT

Report by Amanda

Date of report: 07/08/2024

Ref:70876/FUL

Uhunmwagho

Registration: 28/06/2024

LDfC: 22/07/2024

Expiry Date: 23/08/2024

Site Visit: 16/07/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension; Garage conversion

Location: 273 Ainsworth Road, Bury, BL8 2LS

Description

The application relates to a previously extended two storey semi-detached house with a two storey side extension and single storey extension to the rear. There is currently a garage at the property with a drive space for two vehicles in front. There is a red brick wall with pillars along the front boundary and a single pillar to the west side of the drive.

At the rear there are two single storey extensions and a small patio area with steps leading down to the garden below. There are fences to all boundaries and lots of planting.

The proposal is to build a single storey rear extension and to convert the garage. The existing utility room extension would be removed to build the new extension which would measure 890mm x 5372mm and it would have a mono pitched roof. The extension would provide an extension to the existing kitchen. The garage would be converted in to a store room with a new entrance door and window to the front elevation and a ground floor wc.

Relevant Planning History

N/A

Publicity

11 neighbours notified on 01/07/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 -

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 only change to the front elevation would be to replace the garage door with a new access door and window, which could be undertaken as permitted development. The proposed finished materials would be considered to be in keeping with the existing building.

The single storey rear extension would not be visible in the streetscene but it would be constructed with a design and finished materials that would be considered to be in keeping

with the existing building. The design of the proposal is considered acceptable in this location.

The materials are to be conditioned to match the materials of 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 built to the west side of an existing single storey extension on site there would not be any significant detrimental effect on residential amenity at no.271 Ainsworth Road next door.
- The west side wall of the existing utility room would remain in place along the shared boundary with no.275 Ainsworth Road next door and the extension would be built behind this. As such only the roof and part of the side elevation would be visible from the neighbouring garden and there would be no windows in the side elevation of the extension.
- Properties to the rear would be more than a sufficient distance from the extension not to have any significant detrimental effect on residential amenity at those properties.
- The garage conversion would result in the loss of one parking space within the site. However, there would still be two parking spaces to the front of site which would be considered acceptable at this property.
- The garage would be converted into a storage space with a wc. This space would be considered to be non-habitable. The separation distance between the application property and properties on the opposite side of Ainsworth Road would be more than sufficient in terms of SPD 6.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the existing drive.

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 1134.000, 1134.001 and 1134.002 received on 21/06/2024 and existing and proposed site plan drawing numbered 1134.002 received on 01/07/2024 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 07/08/2024		DM - 16/08/2024	