

DELEGATED REPORT

Report by Mo Warsame	Date of report: 24/10/2022	Ref: 68769/FUL
Registration: 06/09/2022	LDfC: 28/09/2022	Expiry Date: 01/11/2022
Site Visit: 20/10/2022	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: Two/single storey side extension

Location: 33 Derwent Drive, Bury, BL9 9LS

Description

The property is a two-storey semi-detached dwelling with a large gardens to the front and rear with parking available on the site for several vehicles to the front and side of the main dwelling. Houses to the front are 19 metres from the front of the existing property and to the rear properties are over 20 metres from the rear elevation of the original property. The attached property and surrounding properties are all in similar style.

Planning permission is sought for a two-storey extension to the side. It would project 3.6 metres to the side, and run a total length of 5.5 metres. The extension would not project beyond the original rear elevation. The first-floor section would be set back from the front by 0.5 metres and there would be no windows in the side elevation. The development would have a pitched roof, utilise the use of matching materials and would accommodate a bathroom and dining room on the ground floor level and a bedroom with ensuite on the first-floor level.

Relevant Planning History

59174 - Single storey extension at side and rear - Approve with Conditions 06/10/2015
59372 - Two/single storey extension at side/rear - Approve with Conditions 19/11/2015

Publicity

immediate neighbours notified on: 07/09/2022. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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

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.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5 metres from the main frontage of the original dwelling. The proposed extension would have 0.5 metres set back. However, given the combination of setback distances to the front and 1 metre to side boundary, along with the scale and setting of the property, the proposed development would appear subservient to the main house. As such the proposal would therefore be generally acceptable within this location.

Situated in the side on the, the development would be visible from the street scene. However, the extension is a rectangular extension, simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would be constructed with materials to match the existing dwelling. As such, the proposed

development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

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

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

- The Proposed development would be acceptable in terms of overlooking and privacy as such, the extension would not project beyond the building's principal elevation therefore, there would be no serious detrimental effects on residential amenity to the rear of No. 35 Derwent Drive.
- The extension would have a blank wall with no proposed windows facing the adjacent neighbour and therefore, there would be no adverse impact on No 31 Derwent Drive.
- There would be a sufficient setback distance of more than 7 metres to the shared rear boundary. A sufficient distance to the properties to the front would also exist.

The development would be acceptable and comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Parking

There are would be no changes to parking layout therefore, the current parking arrangements would be sufficient.

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 drawing numbers: Sheet 1, Sheet 2 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 plus rendering as outlined in drawings submitted.

DELEGATED REPORT

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>
MW	24/10/2022		