

DELEGATED REPORT

Report by Amanda

Date of report: 29/11/2023

Ref:70165/FUL

Uhunmwagho

Registration: 27/10/2023

LDfC: 25/11/2023

Expiry Date: 22/12/2023

Site Visit: 21/11/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension with flat roof and 2 no. windows above and addition of first floor window to the front elevation

Location: 23 Ormrod Street, Pimhole, Bury, BL9 7HF

Description

The application relates to a two storey mid-terrace house with a yard to the rear with brick boundary walls. There is a pedestrian gate for access to and from the back street. Both adjacent properties have single storey extensions along the shared boundaries.

The proposal is to build a single storey rear extension projecting 5.18m from the original rear elevation and measuring 4.24m wide. It would have a flat roof and there would be two small windows installed to the existing rear elevation to allow light in to the existing kitchen area.

The extension would be built upon the boundary wall shared with no.21 Ormrod Street, which the applicant also owns. The plans show that the extension would be built within the boundary adjacent to no.25 to the west.

Relevant Planning History

N/A

Publicity

5 Neighbours notified on 03/11/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 -

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 single storey extension would be built on the rear of the existing building meaning it wouldn't be visible in the streetscape along Ormrod Street. However, it would be visible from the back street where there are many examples of single storey rear extensions, including to both adjacent properties. The design and finished materials of the proposal is considered to be in keeping with the existing building as well as with neighbouring properties in the immediate vicinity.

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 -

- The extension would encroach the shared boundary with no.21 Ormrod Street next door. As the applicant also has ownership of this property there was no need to serve notice on this property, and Certificate A was correctly submitted with the application.
- The plans show that the extension would not encroach the shared boundary with no.25 to the opposite side.
- The extension would project around 1.1m past the rear of the extension at no.25 and around 1.4m past the rear of the extension at no.21. This would be within the limits as set out in SPD 6.
- There would be around 2m of amenity space remaining to the rear of the extension. This would be similar to other properties in this area and would leave sufficient room to store refuse bins.
- There would be a sufficient distance between the extension and properties to the rear not to have any significant detrimental effect on residential amenity at those properties.
- The two new windows to the rear elevation would be high level to provide light to the existing kitchen at the property once the extension is built. They would not have any significant detrimental impact on residential amenity at neighbouring properties/yards.

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 highway to the front of the site.

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 Sheet 1 of 2 and Sheet 2 of 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 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 - 29/11/2023			