

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/06/2022	Ref: 68186/FUL
Registration: 08/03/2022	LDFC: 17/06/2022	Expiry Date: 03/05/2022
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: Part single/Part first floor extension at rear; Raised decking at rear.

Location: 22 Turton Close, Bury, BL8 2EE

Description

The application relates to a two storey detached house on a residential road of similar properties. There is a single storey extension at the rear. Neighbours on either side are not extended.

The proposal involves extending above the existing single storey rear outrigger, projecting out 4460mm, with a pitched roof carried over onto the existing roof. A flat roof single storey extension with roof lantern would run across the remainder of the original rear elevation (6400mm). The extension would be finished in red brick to match the existing house.

There would also be a small raised decked area, projecting out 2.5m. with an obscure 'privacy screen' 1.8m high, on the west side, adjacent to the boundary with No.20 Turton Close.

Relevant Planning History

01216/E - Dog Grooming Business - Enquiry completed 10/12/2012

55913 - Change of use of garage from residential to dog grooming use for a temporary period of 3 years - Approved 21/02/2013

Publicity

Immediate neighbours notified by letter dated 27/05/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

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 - The extension is at the rear of the property and as such it is not readily visible from the public arena. In terms of design and appearance the development is in keeping with the existing house and would be acceptable in light of policy H2/3 and guidance in SPD6 on extensions and alterations.

Residential amenity - The extension would not overshadow or appear overdominant in relation to the neighbours on either side and complies with the '45 degree rule'. The obscure privacy screen at the western end of the decked area would mitigate overlooking towards the garden of No.20 Turton Close. The eastern side of the decking is slightly lower in relation to the boundary fence and faces the existing boundary fence and hedge planting so overlooking is less of an issue. There is no significant overlooking to the rear and it is noted that there are no objections from neighbours. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy and guidance in SPD6.

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

DELEGATED REPORT

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 1 and 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.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Prior to occupation of the extension hereby approved, the obscure privacy screen , indicated on the approved plans, shall be installed at the western end of the decked area and retained in situ thereafter.
Reason. to reduce overlooking in the interests of residential amenity pursuant to UDP Policy H2/3 and guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/06/2022		