

DELEGATED REPORT

Report by Tom Beirne	Date of report: 09/11/2022	Ref: 68832/FUL
Registration: 22/09/2022	LDFC: 15/10/2022	Expiry Date: 17/11/2022
Site Visit: 11/10/2022	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: COUS

Proposal: Variation of condition 2 following approval of planning permission ref. 66152 - Addition of dormer extension to rear

Location: 61 Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PN

Description

The application relates to a two storey rendered/stone built semi-detached house on the south side of Bradshaw Road. The site is situated within a small ribbon of development with open fields to the rear. There is a large barn within the field to the rear of the house and there is also a group of vacant agricultural buildings to the rear of No.53. The site is within the Green belt, West Pennine Moors and is in a Special Landscape Area.

The previous application, approved 21/01/2021 involved a modest garden extension, projecting out 2m from the existing rear boundary, and extensions to the side and rear of the house.

The application seeks an amendment to the extension at the rear by adding a flat roof dormer to the side roof plane to create a room (study) in the roofspace. The existing ridge height would remain as previously approved and there are no other changes to the approved scheme proposed.

Relevant Planning History

00640/E - Proposed vehicular visibility splay - Enquiry completed 22/02/2010
01149/E - Two - single storey extensions at rear - Enquiry completed 26/07/2012
53268 - Single storey extension at rear - Approve with Conditions 22/11/2010
62410 - Single storey extensions at rear - Withdrawn - Invalid 15/03/2018
66152 - Change of use of land to rear (55m²) to extension of existing garden; Two/single storey extension at side/rear - Approved 21/01/2021

Publicity

Immediate neighbours notified by letter dated 23/09/2022. Initial concern from neighbour at No.59 about window facing their property. The objection has been withdrawn following window being reconfigured.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A**Unitary Development Plan and Policies**

H2/3	Extensions and Alterations
OL1/2	New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL7/2	West Pennine Moors

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.

Green Belt - In terms of Green Belt policy, the additional dormer on the garden side of the previously approved extension is modest in scale and would not have a significantly detrimental impact on the character or openness of the Green Belt. Complies with UDP Policy OL1/2 New Buildings in the Green Belt.

Visual amenity - The dormer is modest in scale, no higher than the proposed outtrigger currently being built and finished in slate to match. Situated on the side of the rear

extension, on the garden side, it would not be viewed from the public arena or prominent within the surrounding landscape. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 Extensions and Alterations and SPD6.

Residential amenity - The window in the dormer initially faced towards the Immediate neighbour at No.59 Bradshaw Road. However following expressed concerns, this was moved to the rear elevation. The small WC window would be obscure glazed. The proposal is acceptable and complies with UDP Policy H2/3 Extensions and Alterations and SPD6.

Public Representation - The initial concerns of the neighbour at No.59 Bradshaw Road have been addressed and as such the objection has been withdrawn.

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 Location Plan and drawing numbered BR/PL/22/002B 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 No buildings or structures shall be erected within the area of the extended garden hereby approved without the consent of the Local Planning Authority.
Reason. In the interests of visual amenity and openness of the Green Belt pursuant to UDP policy OL1/2 New Buildings in the Green Belt.
- 5 The garage hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.
Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6 Extensions and Alterations.
- 6 Before the first occupation of the extension hereby permitted the WC window in the dormer shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3

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- 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>
Tom Beirne	09/11/2022	DM	10/11/2022