

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 08/08/2022 | <b>Ref:</b> 68208/FUL          |
| <b>Registration:</b> 26/05/2022 | <b>LDfC:</b> 21/06/2022           | <b>Expiry Date:</b> 21/07/2022 |
| <b>Site Visit:</b> 06/07/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey extensions at front and side; Canopy at front

**Location:** 34 Dorset Drive, Bury, BL9 9DW

**Description**

The property is one in a pair of semi detached houses located at end of the street. There is a path along the side boundary and then an open play area. Directly opposite is Redvales Childrens Centre which has its car park to the front of the building. The application site has been extended single storey at the side and works have commenced on a further single storey extension at the side/rear.

The application is for the extension that has commenced and which would project 0.813m beyond the front bay window for 5.7m across. It would then extend along the side 3.9m to infill to the level of the existing side extension. It would form a kitchen and entrance with wc. The new roof at the front would extend across the existing bay as a canopy.

**Relevant Planning History**

57304 - Two storey side extension - AC 11/04/2014.

**Publicity**

Surrounding neighbours were notified by letter and one response has been received. Redvales Childrens centre confirm no objections to the extensions planned but request that there is always access to their car park and any equipment or delivery of materials do not interfere with their access.

**Statutory/Non-Statutory Consultations**

**Property & Technical Services** (Estates Consultancy) - No comments received.

**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. 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 and design** - The proposed extension would not project excessively from the front. It would have a hipped roof extending along the side to link to the existing pitched roof and to the front run as a canopy above the existing front bay. Materials would be a mix of matching brick with cream render and quoins to the front elevation.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

**Parking** - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposal would however leave a drive length to the front of the extension of 4.8m. This would be sub standard the 5m length that SPD6 normally requires. As works have commenced the application proposes parking at an angle and removing the pedestrian gate and including a new sliding gate. Generally parking should be to the front of the extension and with a 5m drive length. Parking at an angle is not ideal but not uncommon in residential areas. As the site is not located on a busy road and positioned at the end of the street then in conclusion, in this instance at this particular site, it is not considered there are grounds for refusal with regard to the parking arrangements.

Informatives are added regarding the requirement for porous/natural drainage for

replacement drives and planning permission will be required for any gates above 1m in height.

**Residential amenity** - There are no residential properties in close enough proximity for the proposal to have any significant impact.

The proposal would not conflict with the purposes of UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

**Response to neighbour comments** - Planning cannot control on street parking. A condition is added for the storage of materials within 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 001, 002 Rev A, 003, 004, 005, 006, 008, 009, 010 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 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.  
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

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| <u>Case Officer</u><br>JL | <u>Date</u><br>08/08/22 | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------------|-------------------------|-------------------------|-------------|