

**Description**

Located in a cul de sac (Bealey Close), the property is a detached, red brick bungalow with integral garage and a drive to the front.

Planning Permission is sought for a single storey rear extension. The proposal would accommodate a new open plan kitchen. The extension would project 5 metres to the rear and run for 7.64 metres to the side, leaving a setback of 13.5 metres from the shared side boundary and 3.8 metres setback from the shared rear boundary. The proposed development would have pitched roof with rooflights and utilise the use of matching materials.

**Relevant Planning History**

None.

**Publicity**

Neighbour letters sent. No objection received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions**

N/A

**Unitary Development Plan and Policies**

<SQLDCPolicyComRep>

**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**

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed single storey rear extension would be of a simple and unobtrusive design and would not detract from the character of the dwelling. The proposed development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

### **Residential Amenity**

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

- In terms of overlooking and privacy, there would be no new windows proposed in either side of the extension except for the proposed bi-fold doors facing to the shared side boundary with No. 15 Bealey Close. However, the proposed extension would be sufficiently set back from this property.
- The distance to the shared rear boundary would be less than the 7 metres required by SPD 6. However, the development would be modest single storey extension which would replace the existing conservatory. Furthermore, the existing shrubs and trees would shade the proposed extension from the property to the rear. Therefore, the condition would not be seriously excessive above and beyond the existing situation.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 5 metres along the shared boundary would be considered acceptable in this instance.
- There would remain an acceptable amount of outdoor private amenity space.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

**Parking**

The proposal would result in one additional bedroom, however there would be no changes to site access, or parking. The parking at its current condition meets the present requirements.