

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/12/2022	Ref: 69002/FUL
Registration: 19/10/2022	LDfC: 24/11/2022	Expiry Date: 14/12/2022
Site Visit:	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: Single storey rear extension

Location: 75 Hurst Street, Pimhole, Bury, BL9 7ES

Description

The property is a two storey mid-terrace dwelling. At the rear there is a yard with brick walls to all boundaries and a gate for pedestrian access at the rear. No. 73 Hurst Street (west) and No. 75 Hurst Street (east) are on either side of the property. A sufficient distance exists between the site and the properties to the rear as they are separated by a back street.

The applicant proposes to build a single storey rear extension with a projection of 3.5 metres from the original rear elevation. The development would have a flat roof, utilise the use of matching materials and facilitate a kitchen extension and a new toilet.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 03/11/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT6/1	Pedestrian and Cyclist Movement

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 application relates to a detached dwelling located on Hurst Street. The extension would be built on the rear elevation of the property and as such would not be visible from the street scene at the front. However, the proposed extension would be visible from the back Street and whilst it is noted that there are a number of single storey extensions and out buildings visible to the rear of properties within the immediate street scene none are of the extent of this extension. It is considered that the proposal would introduce a prominent and intrusive feature within the street scene that would be detrimental to the visual amenity of the area.

The Council policy in H2/3 and SPD6 considers that development management is keen to ensure that enough private garden space is left after any extensions in order to avoid over-development of the site. Any proposals should not therefore significantly reduce the amount of usable amenity space for the property to an unacceptable degree. It is considered that this space would be insufficient, and would not be a suitable or usable amenity space for the property and would instead only be used as an exit/egress point for the dwelling and extension.

It is therefore considered that the proposed extension would lead to an insufficient amount of usable amenity space associated with the dwelling, and would be detrimental to the character of the street scene and as such would be contrary to 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 habitable windows proposed in either side of the extension.
- 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 3.5 metres along the shared boundary would be considered acceptable in this instance.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

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.

Refuse Storage

SPD 6 states that due to the increase of bins required to be stored at a dwellings, extensions and alterations should take account of refuse storage where appropriate. In addition to this Policy HT6/1 seeks to ensure pedestrians can move safely and conveniently.

The proposal would lead to being inadequate space to the rear of the dwelling for the storage of bins. As such, the bins for the property would cause an obstruction on the adjacent adopted highway and would prevent safe movement of pedestrians contrary to UDP Policy HT6/1 and SPD 6.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for residential amenity space about the dwelling. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:

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H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

- 2 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 3 There is insufficient refuse storage provision within the site which is likely to lead to the storage of refuse bins on the adjacent adopted highway to the detriment of the safe and convenient movement of pedestrians. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: HT6/1 - Pedestrian and Cyclist Movement 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>
MW	14/12/2022		