

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 22/08/2022

Ref:68419/FUL

Registration: 31/05/2022

LDfC: 30/06/2022

Expiry Date: 26/07/2022

Site Visit: 24/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Singe storey rear extension

Location: 31 James Street, Pimhole, Bury, BL9 7EG

Description

The application relates to a two-storey end terraced house on a residential street of similar properties. To the rear there is an existing single storey outrigger with hipped roof and a shed along the rear shared boundary with the attached neighbour. The attached neighbour is as originally built, and the neighbour on the other side is an MOT garage with front reception entrance immediate adjacent the shared boundary. The rear boundary has some shrubbery and a brick wall approximately 1.6m high.

Planning permission is sought for a single-storey rear extension to accommodate a new toilet and utility room. The proposed extension would measure 4.11m by 3.67m and have a flat roof. Materials would match existing plus upvc windows. There are no new side windows proposed except for the utility room (non-habitable). There is no new boundary treatment proposed.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 30/06/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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

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.

In terms of scale, design, and appearance the proposed single storey rear extension would be generally in-keeping with the existing house.

Situated at the rear, the proposed single storey extension would not be readily visible from the public arena, although its siting, scale, and design is considered to be appropriate for

this property. Although it would have a flat roof, and a hipped/ monopitch roof would be preferable to match the existing kitchen outrigger nevertheless the siting of the proposed extension is at the rear away from the public arena, and properties to the rear are largely industrial.

Materials would match existing. The existing shrub planting along the rear boundary would further reduce the impact on the residents to the rear, and there are no residential neighbours directly to the rear.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there are no new habitable windows proposed,
- The proposed extension would project out from the existing outrigger by 3.7m, in excess of 3m, beyond which the 45-degree rule would apply. However, the attached neighbours rear window is a kitchen window which is non-habitable and therefore this is considered to be acceptable.
- There are no new side windows proposed other than the utility room.
- In terms of the general prominence and impact on daylight the proposed extension is entirely single storey, located approximately within the same footprint as an existing shed, and south/east of industrial buildings only. The proposed extension would have an impact on the applicants own rear garden around midday, but any overshadowing would not be seriously excessive above and beyond the existing situation.
- The applicant completed certificate A.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 revised drawings as submitted on 07/07/2022 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 H2/3 - 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>
Steven Gunn-Russell	22/08/2022		