

DELEGATED REPORT

Report by Helen

Date of report: 04/12/2020

Ref:66119/FUL

Goldsbrough

Registration: 26/10/2020

LDfC: 23/11/2020

Expiry Date: 21/12/2020

Site Visit: 12/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at side

Location: 26 Mile Lane, Bury, BL8 2JE

Description

The application relates to a link semi-detached dwelling located on Mile Lane. The premises has an existing single storey garage to the side that is attached to No 28. The property has an area of garden, and parking to the front. An area of private amenity space is located to the rear.

Planning permission is sought for the construction of a first floor extension that projects approximately 3540mm to the side of the original dwelling. The front of the extension would run flush with the principal elevation of the dwelling, and would be set back approximately 1200mm from the rear elevation of the dwelling.

Relevant Planning History

None

Publicity

Neighbour letters sent 2/11/2020. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD11 Parking Standards in Bury

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 victimization;

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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. The proposal does not include a set back, or gap to the side. The dwelling is located within a row of properties, with staggered frontages. The principal elevation of the neighbouring property would project approximately 1.3 metres beyond the front elevation of the proposed extension. The proposal would maintain the staggered building line, and would maintain a clear difference between the two properties. As such it is considered that the proposal would not lead to the uncharacteristic linking up of dwellings, and would maintain the character of the row.

The proposed extension would have a pitched gable roof replicating the shape and style of the original and neighbouring properties. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate. The ridge of the proposed extension would be lower than the ridge of the main dwelling creating an impression of subservience, and further preventing the terracing effect discussed above. It is considered that the proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space.

DELEGATED REPORT

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, streetscene or neighbouring properties and as such complies 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.

- The proposed extension would not project beyond the principal front and rear elevations of No.28
- Certificate B has been signed.
- No windows facing towards No. 28
- Proposed rear first floor window would relate to an ensuite, as such aspects not applied.
- Proposed front first floor bedroom window would not project any further forward than the existing window arrangement, and would be separated from the facing dwellings by a highway. As such no overlooking foreseen.
- The proposal would lead to the increase in bedrooms from 3, to 4 bedrooms. SPD 11 requires a maximum of 3 spaces for 4 bedroom houses. There are 2 parking spaces to be retained on site. There is no restriction on, on street parking and the site is within walking of local amenities as such the parking retained is considered to be acceptable.

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 LE01 and LE02 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>
Helen Goldsbrough	4/12/2020	Dave Marno	14/12/2020