

**Description**

The proposal relates to an existing 3 bedroom mid-terraced dwelling of traditional form and character. It is finished with a rendered principal elevation and appears to have been adapted by the creation of extended window openings (horizontally) at ground floor and installation of roof lights. Based on historic maps and the appearance and layout of the existing dwelling and neighbouring properties, it is considered that the building was formerly two separate dwellings. St. Margaret's Church, a Grade II listed building, is around 60m to the east on the opposing side of St. Margaret's Road.

The proposal is to split the existing dwelling to form two 2 bedroom dwellings. Externally, this would include the insertion of a new door opening, amended to include a door light. No other external alterations would pertain aside from splitting the associated front forecourt and rear gardens.

**Relevant Planning History**

No relevant history

**Publicity**

Advertised by direct neighbour notification. One comment has been received in relation to private rights of access across the rear of the terrace (used for movement of waste bins on collection day).

**Statutory/Non-Statutory Consultations**

None relevant

**Pre-start Conditions** - Not relevant**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.

#### **Principle of development**

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban area within an established residential area and close to a local centre and routes well served by public transport, including a Metrolink stop.

As such, the site is the most sequentially preferable for the release of land for housing and is located in a sustainable location with regard to access to goods, services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

#### **Visual amenity**

The very minor alteration would give the principal elevation a more symmetrical appearance, in keeping with the traditional form and flanking dwellings. The proposal would have no impact on the setting of the listed church.

#### **Residential amenity**

The proposal would not introduce and new window openings or habitable rooms and would not therefore undermine existing residential amenity.

The floor layouts would exceed the nationally described space standards.

#### **Parking and access**

The proposal would return the building to the original format of 2 separate dwellings within a row of traditional terraces, where existing dwellings do not have dedicated off-street parking. Furthermore, the site is located in a highly sustainable location with excellent access to public transport.

#### **Servicing**

There would be adequate storage space in the rear yard area for refuse and recycling bins.

**Representation**

This relates to a private matter. Regardless, the proposal does not include and extensions that would interfere with the private access at the rear.

**CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would deliver much needed residential development in a highly sustainable location and without detriment to the character and appearance of the area, highway safety or amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.