

DELEGATED REPORT

Report by Jane Langan	Date of report: 11/03/2022	Ref: 67985/FUL
Registration: 17/01/2022	LDFC: 17/02/2022	Expiry Date: 14/03/2022
Site Visit: 21/02/2022	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: Two storey side extension

Location: 378 Holcombe Road, Tottington, Bury, BL8 4DT

Description

The property is a semi detached house located on a corner plot at the junction with North Avenue. It is extended single storey along part of the side and to the rear. A brick wall with timber fencing above extends along the side boundary with the footpath up to the rear elevation where it then becomes concrete post and timber panel fencing screening the rear garden. To the bottom of the garden is a detached garage.

Planning permission was granted (66643) for a single storey extension at the side and this application now seeks approval for this to be two storey. The proposed extension would come 1.68m out at the side from the front elevation and extend 5.3m along at ground floor and 4m at first floor. It would form a lobby,wc and pantry with an extended bedroom at first floor.

Relevant Planning History

60313 - Conversion of flat roof to pitched roof of existing side / rear extension - AC 11/08/2016.

66643 - Single storey pitched roof side extension; Alterations to boundary wall with the provision of a 1.8m high fence - AC 17/05/2021.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition for reinstatement works and informatives.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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 and design - The proposed two storey extension would sit to the front of the existing side extension, which is close to the side boundary, and would come out a further 0.4m. With the side elevation already close to the boundary and across the street a terrace which is built to the footpath the proposal would not appear out of character in the area.

The main roof would be hipped and to the rear a monopitch with rooflight would link to the existing single storey. Materials would be to match the existing house.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered.

The condition as recommended by highways is included as the plans annotation refers to the alterations to the side fence which were approved under application 66643 and this permission included this condition.

Residential amenity - The proposed extension would be to the side where it is adjacent

the footpath to North Avenue. There would be a distance in excess of 7m from the proposed first floor window to the rear boundary.
There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 371-101, 371-102, 371-103, 371-104, 371-105, 371-106, 371-107, 371-108, 371-109, 371-110 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 proposed works to the site boundary indicated on the approved plans shall incorporate foundations that do not encroach under the adjacent adopted highway. All ground works required to reinstate the footway to its former condition as a result of the proposed development shall be implemented to a scope and specification to be agreed on site with the Highway Authority and to the satisfaction of the Local Planning Authority prior to the extension hereby approved being brought into use.
Reason. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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>
JL	11/03/22		