

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 22/01/2024	Ref: 70337/FUL
Registration: 14/12/2023	LDfC: 12/01/2024	Expiry Date: 08/02/2024
Site Visit: 02/01/2024	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: MIOT

Proposal: Single storey rear extension

Location: 168 Brandlesholme Road, Bury, BL8 1AX

Description

The application relates to an end terraced property which is located on a main road in a predominantly residential area. The property is a shop at the ground floor and there is a first floor flat above which is accessed via a staircase and separate entrance at the rear.

Bins are stored in the existing rear yard area for both the shop and flat.

The property has previously been extended single storey at the rear to provide a storage facility for the shop.

The terraced attached to the application site is also in the applicant's ownership. On the other side is a short road, Worcester Street which provides the access to the adjacent primary school.

The application seeks to demolish the existing single storey and erect a replacement single storey extension which would be formed over the entire rear yard area.

The extension would increase the shop floor area and provide a storage room and bathroom facilities for the shop. The roof of the extension would also provide a covered area to the bin store for the residential flat and shop and there would be two inward opening doors on the rear elevation for access to the street at the rear.

The extension would have a flat roof and be constructed of brick.

Relevant Planning History

59206 - First floor/single storey extension at rear; Roller shutter at front - Approve with Conditions 27/10/2015

59515 - Change of use of ground floor of 166 Brandlesholme Road to shop (Class A1) as addition to number 168; New window to front elevation and access door to rear - Approve with Conditions 28/01/2016

Publicity

Letters sent to adjacent properties on 19/12/23.

No responses received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design

H2/3	Extensions and Alterations
S1/5	Neighbourhood Centres and Local Shops
EC4/1	Small Businesses
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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 - UDP Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain A1

retail as the predominant use in new and existing local shops and encourages essential convenience goods shops that caters for day to day needs of residents and businesses. The proposal would increase the existing shop area and provide storage and staff facilities which would be commensurate to serving this locality and local needs and as such would comply with Policy S1/5.

Siting and layout

The proposed extension would be built on the footprint of the existing boundary wall and would enclose the rear yard area to provide the additional shop facilities. It would also provide bin store facilities for both the business and the existing first floor flat.

The external access staircase to the flat which is located next to the boundary with the adjacent property, no 166 (which the applicant states is also in their ownership) would be accessed via the extension but the staircase would remain open and would not be affected by the new building.

Two inward opening doors would be located on the rear elevation of the extension to access the bins on collection day.

The proposed extension would be fully contained within the site and would not cause any obstruction or impede access outside the site.

As such, the proposed siting and layout is considered acceptable and would comply with EN1/2 and EC4/1.

Design and appearance

The proposed extension would cover the rear yard area and would be 2.6m high. It would be brick built with a flat roof. The side wall adjacent to the public footpath would be approx 0.7m higher than the existing wall which is similar to other side walls of properties located on corner plots and given the property is on a side road which only serves the school and the rear of the terraced houses it would not be highly visible to public views.

It is therefore considered the proposed development would be acceptable and comply with EN1/2 and H2/3.

Impact on residential development

The proposed extension would be located adjacent to the attached terraced dwelling, No 166 and would extend approx 4.5m along the shared boundary at a height of approx 2.6m. This property has a window on the rear elevation next to the boundary with the application site. There is an existing fence which has been erected along the shared boundary which screens the access staircase and entrance to the first floor flat of No 168 and the extension would be no higher than this existing boundary treatment.

The extension would also be on the northern side of the neighbour and as such it is considered there would not be a significant loss of light to this neighbouring property.

It is therefore considered that the proposed development would be acceptable and comply with EN1/2 and H2/3.

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 Location plan received 14/12/23; Existing floor plan and elevations 23/757/01; Proposed floor plan and elevations 23/757/02 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	22/1/24		