

DELEGATED REPORT

Report by Sam Summers	Date of report: 03/11/2022	Ref: 68563/FUL
Registration: 01/09/2022	LDFC: 27/09/2022	Expiry Date: 27/10/2022
Site Visit: 01/11/2022	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: Single storey extension at rear

Location: 8 Leamington Avenue, Bury, BL9 5LD

Description

The site contains a semi-detached bungalow located on Leamington Avenue. The site is located within a row of bungalows. The dwelling is rendered. The premises has a large driveway at front that also runs along the side of the existing bungalow to a detached single garage at the rear. To the area of the property is a garden area.

There are residential properties to all boundaries and there are a mix of rendered properties and brick properties.

The proposed development involves the erection of a single storey extension at the rear. The proposed extension would project 2.5 metres from the rear elevation.

Relevant Planning History

63347 - Single storey extension at rear; Widening of existing driveway - Approve with Conditions 06/11/2018

Publicity

Letters sent 05/09/2022 - No responses received

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

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 - 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.

The proposed extension would be located to the rear of the property, which is bounded by residential gardens. As such the rear extension would not be visible from the street scene. The extension is of a simple and unobtrusive design, which would not detract from the character of the property. The use of matching materials is appropriate. The proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space.

It is therefore considered that the proposal 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.

- Proposed extension would not project more than 3 metres beyond the rear of No. 6 Leamington Avenue complying with guidance contained within SPD 6.
- Proposed rear windows/doors would be screened by existing rear boundary treatments.
- Closest property at the rear is more than 18m from the proposed extension.

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- There are windows proposed on each side both windows are high level with sill heights at approximately 1.8m which is considered to be above eye level and therefore are acceptable.
- The proposed extension would project approximately 6.77m beyond the original rear elevation of the property. Under the larger homes scheme 6m would be allowed as no objections have been received.
- The proposed extension would project approximately 3.5m past No. 10 Leamington Avenue which is only half a metre more than the guidance in SPD6.
- The proposed extension is a flat roofed extension with a total height of 2.65m, an outbuilding could be constructed along the boundary at 2.5m high under permitted development which would have a similar impact to this extension.
- Overall due to the factors set out above there would not be enough of an impact upon No: 10 to refuse the application.

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 Page 1, Page 2, Block Plan & Location Plan 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>
SS	03/11/2022	DM	04/11/2022