

DELEGATED REPORT

Report by Tom Beirne	Date of report: 26/10/2023	Ref: 69931/FUL
Registration: 24/07/2023	LDfC: 31/08/2023	Expiry Date: 18/09/2023
Site Visit: 06/09/2023	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 front and side extensions and Part single/part two storey rear extension

Location: 253 Market Street, Bury, BL9 9JW

Description

The application relates to a two storey semi-detached house on a road of similar styled properties. Driveway to the front and conservatory at rear. The neighbours on either side have not been extended.

The proposal involves extending, two storey out to the side boundary 2.7m and running from the front to rear (8.8m) and wrap around the rear elevation, stopping 2m short of the side boundary with the attached neighbour at No.251. At the front the first floor would be setback 1.5m. The two storey rear element would project out 3m and the hipped roof would run over onto the existing roof.

The single storey rear element would run across the width of the rear elevation of the house and project back 5m. The extensions would be finished in red brick to match the existing house.

The porch on the front would have a footprint 2.2m by 1.3m. The porch and extensions would be finished in brick to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 08/08/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The extensions which have been revised and reduced in scale, are now, in terms of design and appearance, in keeping with the existing house and streetscape. The roof has been hipped and a setback at first floor added at the front which would suitably mitigate the appearance of terracing along the road. Complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions.

Residential amenity - The single storey element would project out 5m along the shared boundary with the attached neighbour at No.251. The two storey element would be set in and projecting out 3m. With the two storey extension set in, it would comply with the '45 degree rule' in relation to No.251 and without an objection, the single storey rear extension would be 'permitted development'.

The unattached neighbour at No.255 has not objected and given the 'permitted development fallback' and the gap to the rear elevation of this neighbour to the south, the proposal is considered to be acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Parking - The existing parking for two spaces on the frontage would not be impacted and therefore the proposal is acceptable in terms of parking. Complies with UDP Policy H2/3 and guidance in SPD6.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 drawing numbered RAD/2890/23/1/REV G 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>
Tom Beirne	26/10/2023	DM	27/10/2023