

DELEGATED REPORT

Report by Helen Leach	Date of report: 26/01/2024	Ref: 70327/FUL
Registration: 08/12/2023	LDfC: 08/01/2024	Expiry Date: 02/02/2024
Site Visit: 05/01/2024	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: HOUS

Proposal: Single storey rear extension

Location: 3 Prescott Close, Bury, BL9 9DZ

Description

The application site relates to a terraced dwelling, which is located near the end of the row. The dwelling is two storeys in height and is constructed from red brick with a slate roof. There is a bay window to the front and a single storey outrigger and coal shed at the rear. Pedestrian access is from Prescott Close and there is a back street at the rear. There is no off-street parking.

There are residential properties to the east, west and south and the East Lancashire Railway line forms the boundary to the north.

The proposed development involves the demolition of the coal shed and the erection of a single storey extension at the rear of the outrigger. The proposed extension would measure 3.2 by 3.6 metres and would be constructed from red brick with a tile roof.

Relevant Planning History

Adjacent site

68693 - Raise roof ridge height with loft conversion and rear dormer; Single storey rear extension; Front porch at 6 Poynton Close, Bury. Approved with conditions - 19 December 2022.

Publicity

The neighbouring properties were notified by means of a letter on 15 December 2023. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
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.

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 rear extension is of simple and unobtrusive design that would not overwhelm the dwelling. The proposed extension would have a window in the side elevation, which would be acceptable. The proposed extension would be constructed from brick with a tile roof, which would match the existing property. The proposed extension would be located at the rear and would not be visible to the streetscene. The proposed extension would be of simple and unobtrusive design that would not overwhelm the dwelling or result in over development of the associated residential amenity space. It is therefore considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply 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.

Within the application site, there are existing outbuildings along the full extent of the boundary between No. 1 and No. 3 Prescott Close. No. 3 Prescott Close has outbuildings along part of the boundary, which would obstruct the 45 degree line from the habitable window. The proposed development involves the demolition of the lower outbuilding and replacing it with an extension, which would be the same height as the outbuilding adjacent to the main house. The difference in height would be 1.8 metres. However, the existing outbuildings within Nos 1 and 3 Prescott Close would obstruct the 45 degree line from the habitable room window on the rear elevation of No. 3. The increase in height would have a minimal impact and as such, the proposed development would not have a significant adverse impact upon the amenity of the occupiers of No. 3 Prescott Close.

The proposed extension would be 0.9 metres wider than the existing outbuilding. There is a habitable room window at ground floor in the rear elevation of No. 5 Prescott Close. However, the 45 degree line hits the existing outbuilding and would connect with the proposed extension. The ground floor of the property is at a higher level than the rear yard and the proposed extension would have a pitched roof that would be less bulky than the existing roof. Given the change of the roof and the higher location, the proposed extension would comply with the 25 degree rule and would not have a significant adverse impact upon the amenity of the neighbouring property.

There would be 14 metres between the proposed extension and the rear of the properties on Poynton Street, which would be in excess of the aspect standards.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 and SPD6.

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 RAD/2970/23/1/Rev B 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

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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>
HL - 26/01/2024			