

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 26/11/2021	Ref: 67500/FUL
Registration: 11/10/2021	LDfC: 02/11/2021	Expiry Date: 06/12/2021
Site Visit: 16/11/2021	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 with new terrace and landscaping

Location: 16 Brierfield Drive, Bury, BL9 5JJ

Description

The application relates to a two storey detached house which has a flat roof two storey extension on the rear elevation. There is a garage at the property and parking to the front of the site. At the rear there is a private garden with fencing to all boundaries. Directly to the rear of the house is a patio area with steps leading up to a raised garden area.

The proposal is to build a single storey rear extension along with a new patio area and landscaping. The extension would project a total of 4.3m from the rear of the existing property on the southern side and around 2m to the north side. The extension would extend across the whole width of the property and it would have a pitched roof. It would be built around the existing two storey flat roof extension.

Part of the existing garden area to the rear would be removed to create a new terrace/patio area with a new retaining wall and steps leading up to the lawned area of the garden.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 12/10/2021 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 extension would be built with materials and a design that would be considered in keeping with the existing building and as it would be built on the rear of the dwelling it would not be visible in the street scene. The new patio area and steps would be similar to what is on site already and as such would not cause any harm in terms of visual amenity.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

There are no properties that would be within 20m of the proposed extension and there would be over 11m from the rear elevation to the rear boundary. Taking this in to account and that the extension would be single storey only there would not be any significant detrimental effect on residential amenity in the area.

The new patio area and steps to the higher part of the rear garden would have no more of an impact on residential amenity in this area than the existing patio and steps do and as such there would be considered acceptable in terms of residential amenity.

The extension would not project beyond the rear elevation of no.14 Brierfield Drive next door and the 45° rule would be satisfied regards the nearest habitable ground floor window on the rear elevation of no.18 to the north of site. The nearest opening to the shared boundary on the rear of this property appears to be a kitchen door and window. The gap at the side of the property and extension to the north boundary would be retained. As such any impact on light to the rear garden and property at no.18 to the north side would be minimal and would not warrant refusal of the application.

As the main lawn area would remain at the same level as it is now and land would be removed to construct the lower level patio area there would be no detrimental impact on residential amenity at either adjacent neighbour because of this.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding 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 BM0921/BRIAR/PL1, BM0921/BRIAR/PL2, BM0921/BRIAR/PL3 Rev A and BM0921/BRIAR/PL4 Rev A 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	26/11/2021	DM	01/12/2021