

DELEGATED REPORT

Report by Jane Langan	Date of report: 25/08/2022	Ref: 68507/FUL
Registration: 17/06/2022	LDfC: 22/07/2022	Expiry Date: 12/08/2022
Site Visit: 13/07/2022	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: Two storey extension at side and rear

Location: 6 Victor Avenue, Bury, BL9 5EB

Description

The property is the end house in a terraced row of four. It has a garden and drive to the front and a gap to the side of the house leading to a fenced rear garden. There is a patio from the back of the house and steps up to the garden area at a higher level. There are no properties beyond the rear boundary. The adjoining neighbour is No.8 and a mirror image at the rear. To the opposite side the unattached No.4 sits at an angle to the site with its drive adjacent that to the site and a wide gap at the side of the house.

The application proposes a two storey extension that would come 2.2m out at the side and run along for 10.3m of which 3.7m would project beyond the rear elevation for 5.3m across. The extension would form an office/lounge and dining room with 2 additional bedrooms and an extended bathroom at first floor.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposed extension would be built to within 0.2m of the side boundary and set back 1m from the front elevation. SPD6 can require the set back and gap to add up to 1.5m in order to prevent the potential for terracing. In this case the site is located on a short cul de sac and with the adjacent No.4 set at an angle and back from the site. As such terracing would not be an issue.

The extension would have a hipped roof at the side and rear with windows to the front in line with the existing ones. Materials would be to match the existing house.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces.

The site as existing has a drive to the front for parking one vehicle and a garden where there may be potential for further if the applicant should require it. The proposal would not be built on an area currently used for parking. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - In relation to the adjoining No.8 then the proposed rear extension would be set in 2.8m from the boundary and the extension would not encroach the 45

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degree line taken 1m out along the shared boundary. The ground floor would have two windows in the side however they would be set 2.8m away from the fencing which screens the gardens. The first floor side would be blank wall.

To the opposite side No.4 is separated by a wide gap. Its side elevation has the same layout as the site with a bathroom and landing window at first floor, the ground floor is screened by a timber structure. The proposal would have one window to the first floor side to a bathroom and a condition is added for this to be obscure glazed.

There would be a distance well in excess of 7m from the proposed first floor windows to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential 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 (DR) A100, (DR) A200 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 Before the first occupation of the extension hereby permitted the bathroom window to the first floor south side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	25/08/22		