

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 10/12/2020

**Ref:**66071/FUL

Uhunmwagho

**Registration:** 22/10/2020

**LDfC:** 18/11/2020

**Expiry Date:** 17/12/2020

**Site Visit:** 16/11/2020

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Two/single storey extension at side/front, dormers at front and rear & external alterations

**Location:** 15 Slaidburn Drive, Bury, BL8 3DG

**Description**

Planning permission for the same proposal was approved in 2005 but the extension was never built.

The application property is a detached dwelling. The main part of the house has a pitched roof and there is a flat roof single storey section to the side. There is a double garage and parking for several vehicles to the front of the site. At the rear there is a private garden with fencing and planting to all boundaries. The garden is much lower to the property and is access via decking/steps to the rear of the house.

The proposal is to extend the property and ground and first floor levels with dormer to the front and rear of the roof. Existing flat roof dormers to the front and side would be replaced with pitched roofs.

**Relevant Planning History**

45366 - TWO STOREY/SINGLE STOREY EXTENSION AT SIDE/FRONT WITH DORMERS FRONT & REAR - Approve with Conditions 01/12/2005

**Publicity**

Immediate neighbours notified on 27/10/2020 - No comments or objections 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.

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

Visual Amenity -

The extension would have a pitched roof and pitched roof dormers to the front and rear. The existing flat roof of the dormer to the front would also be converted to a pitched roof to match the proposed front dormer. The extension would be built in materials to match. The design of the proposal is considered to be in keeping with the existing building.

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 windows to the two storey side elevation of no.11 and there are no windows proposed to this side of the extension. A gap would be retained from the side wall to the boundary of 400mm (according to the plans). As such there would be no detrimental impact

on residential amenity at no.11.

Apart from the addition of a pitched roof to the existing flat roof dormer on the west side there would be no changes to any openings to this side of the property. As such there would be no detrimental impact on residential amenity at no.17 next door.

Properties to the front and rear would be a sufficient distance from the extended property and as the drive way would be widened along with the existing garage parking on site would be unaffected. There would still be room to park two vehicles in the garage and two in front. This would be inline with th requirements of SPD 6 and SPD 11.

The plans also show that the widened driveway would be constructed using porous materials. 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 1 and 2 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.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| AU                  | 10/12/2020  | DM                      | 10/12/2020  |