

Description

The application relates to a two storey red brick, semi-detached house with hipped roof on a residential road of similar styled properties. Driveway to the front with parking for two cars. The application house and attached neighbour have single storey rear extensions. Land immediately to the north is small a grassed paddock.

The proposed extension would project out 3m to the side boundary and run from front to rear. At the front it would wrap around to form a porch and at the rear would line up with the existing single storey outrigger. The roof would be hipped to a maximum height of 3.5m. The extension would accommodate a small garage/store to front, utility room and extended kitchen at rear. The extension would be finished in red brick and tile to match the house.

Relevant Planning History

69215 - Erection of 1 no. dwelling - Refused 26/04/2023

Publicity

Immediate neighbours notified by letter dated 14/06/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 proposed extension would be modest in scale and in keeping with the design and appearance of the house and would not be out of keeping with the streetscape. In terms of visual amenity the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - Given the modest scale and position next to the area of open space, there are no residential amenity issue arising from the proposal. In terms of residential amenity the proposal is acceptable and complies with UDP Policy and guidance.

Parking - The remaining driveway would be over 6m long and accommodate two cars clear of highway. This would be acceptable and policy compliant.