

DELEGATED REPORT

Report by Amanda

Date of report: 18/01/2022

Ref:67819/FUL

Uhunmwagho

Registration: 22/11/2021

LDfC: 15/12/2021

Expiry Date: 17/01/2022

Site Visit: 16/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Replace existing conservatory with single storey rear extension; New entrance porch to side

Location: 131 Newbold Street, Bury, BL8 2RL

Description

The application relates to a two storey semi-detached house which fronts on to Newbold Street with Melrose Avenue to the side. There is a conservatory to the rear of the house and a detached garden store.

The proposal is to remove the existing conservatory and build a single storey extension in between the dwelling and the existing store. The elevation to the garden would be angled with patio doors. The roof would be pitched.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 25/11/2021 - 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.

As the extension would be to the rear of the dwelling there would be no concerns about any detrimental impact on the character of the existing streetscape along Newbold Street. However, given that there is a highway to the side the extension would be partially visible from the north. However the existing 1.8m high boundary fence would screen most of the building from view. The extension would be built with a design and finished with materials that would compliment the existing property. The design of the proposal is considered acceptable in this location.

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 -

The extension would be single storey only and built up to the existing store to the rear and there would be no new windows to the rear elevation. As such there would be no significant

detrimental impact on residential amenity at 1 Melrose Avenue to the rear.

The extension would be built well away from the north boundary which runs adjacent to Melrose Avenue and on the opposite side of the road are buildings belonging to Guardian Angels Church. As these buildings are not residential properties the separation distance between them and the site of the proposed extension would be acceptable in terms of SPD 6.

The extension would result in a wall along the whole of the shared boundary with 129 Newbold Street, attached to the south. In some cases this might be considered detrimental to residential amenity at the attached property and a development wouldn't be supported. However, the extension would measure just short of 6m from the rear elevation of the main property to where it meets the existing garden store. It has been taken into account that the applicant could build a single storey extension projecting up to 6m under the Larger Homes scheme as long as the neighbour does not object. The next door neighbour hasn't objected to the proposal.

In addition to the above the site is due north of no.129 and the pitched roof would slope away from the boundary which would help to alleviate any light concerns. Given that the extension would be single storey there would not be any significant detrimental effect on light to the rear of no.129 next door.

The plans show that there would be a gap of 150mm from the side elevation to the shared boundary with the attached neighbour and no windows. As such 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

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing which is on street parking to the front or side of the site.

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 NBS/PL/001, NBS/PL/002, NBS/PL/003, NBS/PL/004, NBS/PL/005, NBS/PL/101, NBS/PL/102, NBS/PL/103, NBS/PL/104, NBS/PL/105, NBS/PL/106 and NBS/PL/107 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.

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- 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 - 18/01/2022			