

DELEGATED REPORT

Report by Helen Pressley	Date of report: 17/07/2024	Ref: 70822/FUL
Registration: 04/06/2024	LDFC: 28/06/2024	Expiry Date: 30/07/2024
Site Visit: 17/07/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear/ side

Location: 21 Holme Avenue, Bury, BL8 1HN

Description

The application relates to a semi detached dwelling located on Holme Avenue. The premises has off street parking to the front and side and gardens located to the rear. The premises has an existing single storey/and side extension.

Planning permission is sought for the removal of the existing extension and for the construction of a single storey extension that projects approximately 5523mm to the rear and 2000mm to the side of the existing dwelling.

Relevant Planning History

45710 - Single storey extension at rear - Approve with Conditions 25/01/2006

Publicity

Neighbouring properties notified by letter on 07/06/2024. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

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 proposed rear extension is very similar in design to the existing extension, but would include an increase in ridge height of approximately 200mm for the pitched roof element, and an increase in height of approximately 100mm for the flat roof element.

The proposed side extension would be visible from Holme Avenue, but would be set back from the main highway and would appear as a lean to style roof as existing. The existing flat roof element would be screened from public view. The proposed gable roof to the rear would replicate the shape and style of the existing extension. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate.

The proposal would not overwhelm the existing dwelling and a suitable amount of residential amenity space would be retained as existing.

It is therefore considered that the proposed replacement extension would not have a detrimental impact on the character of the dwelling, or street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The projection, and footprint of the proposed extension would replicate that of the existing as such it is considered that residential amenity would be maintained in that respect. Whilst there is an increase in height of the roofs this increase is considered to be minimal and would not have a detrimental impact on the residential amenities of the neighbouring properties.

The proposed rear windows would relate to a bedroom and bathroom area as existing. The proposed side door would relate to a circulation/hallway area as existing.

It is therefore considered that the proposal would not have a detrimental impact on the residential amenities of the neighbouring 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 01, 02, 03, 04 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 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>
HP 17/07/2024		DM - 18/07/2024	