

DELEGATED REPORT

Report by Tom Beirne	Date of report: 10/11/2020	Ref: 66009/FUL
Registration: 09/10/2020	LDfC: 06/11/2020	Expiry Date: 04/12/2020
Site Visit: 04/11/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Proposed new garden outbuilding/gym with decked area.

Location: 3 Turton Chase, Tottington, Bury, BL8 4FZ

Description

The application relates to a large detached house, recently completed as part of a development of three houses on land to the rear of Victoria Terrace, accessed off Claybank Drive. The nearest neighbour to the west is No.41 Claybank Drive, positioned at a higher level across the side boundary which comprises a beech hedge.

The proposed outbuilding, would accommodate a home gym and be situated on a decked area between the house and the boundary on the west side. The building would have a footprint measuring 10m by 3m. The roof would be pitched with an overall ridge height of 3.5m with eaves at 2.4m. The decked area 20m by 5m, would cover the westernmost section of garden which sits over 2m below the level of 41 Claybank Drive.

Relevant Planning History

63275 - Residential Development - approved 14/11/18.

Publicity

Immediate neighbours notified by letter dated 15/10/2020. No objections received. The resident at No.41 Claybank noted the trees indicated on the boundary were exaggerated on the plan and asked if the roof could be reduced to a flat roof.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - None.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
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 - The outbuilding situated between the house and the boundary would be effectively screened from public view and the decked area would not appear particularly prominent within the garden. Siting well below the level of the neighbour across the boundary at No.41, behind the boundary fence and hedge, views from this property would be very limited. The outbuilding and decking would be acceptable in terms of visual amenity and complies with UDP Policies and guidance on extensions and alterations.

Residential amenity - With the outbuilding set down behind the boundary fence and hedging, there would be little impact on the residential amenity of neighbours. As such the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Neighbour comment - The neighbour does not object to the proposal. The issue raised with regard to possibly reducing the height of the roof is not considered necessary in view of its limited impact.

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

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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 P010 and P003 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	10/11/2020	DM	10/11/2020