

Description

The application relates to a previously extended two storey, semi-detached house with gardens to the front and rear of the dwelling. On the rear there is an existing two storey/single storey extension. There is a patio directly to the rear of the property and the garden has fences to all boundaries.

The proposal is to build a single storey rear extension with a pitched roof. There would be bi-folding doors to the rear elevation and two rooflights to the north side of the roof.

Relevant Planning History

52593 - Two storey side & rear extension - Refused 02/06/2010

53024 - Single storey side extension & Two storey rear extension (Resubmission of 52593)

- Approve with Conditions 10/09/2010

12/0474 - Not built in accordance with approved plans - 05/10/2012

Publicity

Neighbours notified on 21/06/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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.

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.

The extension would be built on the rear of the main dwelling. As such it would only be visible from the rear gardens of nearby neighbouring sites. It would not be visible in the public realm along Mizpah Grove. The extension would be built with materials and a design that would be 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 would be more than a sufficient distance from the rear of the proposed extension to properties on Ainsdale Avenue to the rear.
- The extension would project around 4.5m past the rear elevation of no.8 Mizpah Grove to the north of the site. Although it would project more than 3m as recommended in SPD 6 there have been no objections to the proposal. There may be some detrimental impact on day light to the rear of no.8 as the site is due south of this property but considering there are no objections and taking the larger homes scheme into account, the projection of 4.5m along the shared boundary with no.8 would be acceptable in this instance.
- There would be a 150mm gap from the north side elevation to the shared boundary with no.8. As such there would be no concerns regards encroachment of the shared boundary.
- The extension would project around 5.6m beyond the rear elevation of a single storey extension at no.4 to the south side, with a door to the rear elevation. The side elevation of the extension would be around 2.3m away from the boundary with this property. Taking this into account and that the site is north of no.4 it is considered that there would not be any significantly detrimental effect on residential amenity at this property.

Taking the above into account 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 where there is parking to the front of the site.