

DELEGATED REPORT

Report by Jane Langan	Date of report: 19/12/2022	Ref: 69006/FUL
Registration: 20/10/2022	LDFC: 25/11/2022	Expiry Date: 15/12/2022
Site Visit: 23/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey rear extension

Location: 65 Bronte Avenue, Bury, BL9 9RN

Description

The property is a two storey semi detached house. It has a shared drive to the side leading to a detached garage and the front garden is hardsurfaced for parking. To the rear is a fenced garden and beyond the access road into an apartment complex. The adjoining neighbour is No.63 and has its main window to the party wall side and low fencing separates. To the opposite side No.67 is the same semi type and separated by the drive and this property also has a detached garage.

The application the application proposes an extension to the rear that would be two storey and 3.2m deep for 5.2m across where it would then reduce to single storey for the remainder of the rear elevation up to the party wall side. It would form an extended kitchen with dining area at ground floor with an extended bathroom and additional bedroom at first floor. The plans note a new bathroom window to the existing first floor side elevation.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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 and design - The proposed extension would have a hipped roof extending from the main ridge and a monopitch to the single storey section. Materials are noted to be roof tiles of a similar colour and brickwork to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 2 to 3 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 2 parking spaces. The proposal would not affect the parking to the front where the full frontage is already surfaced. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - In relation to the adjoining No.63 the proposed extension where adjacent the boundary would be blank wall and single storey 3.2m deep. This would then project only 0.2m deeper than the 3m SPD6 deems acceptable and is generally permitted development. A material consideration is also the larger homes scheme that would allow a deeper extension where there are no neighbour objections, none of which have been received in this case. Where two storey the extension would be set in from the boundary with No.63 and would not encroach a 45 degree line taken 1m out along the shared

boundary.

In relation to the unattached No.67 the proposed two storey would not encroach a 45 degree line from the mid point of the closest windows to its rear elevation. There would be a bathroom window added to the first floor of the existing side elevation. A condition is added for this to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor window to the rear boundary and there is no neighbouring property directly at the rear.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential 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 65BA/1/ 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 Before the first occupation of the extension hereby permitted the new bathroom window to the existing first floor south side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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> JL	<u>Date</u> 19/12/22	<u>Sign off Officer</u>	<u>Date</u>
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