

DELEGATED REPORT

Report by Amanda

Date of report: 09/09/2022

Ref:68502/FUL

Uhunmwagho

Registration: 18/07/2022

LDfC: 10/08/2022

Expiry Date: 12/09/2022

Site Visit: 25/08/2022

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: Erection of timber outbuilding/seating area at rear

Location: 183 Gigg Lane, Bury, BL9 9HA

Description

This planning application has been submitted following an Enforcement complaint, reference 22/0176 received on 17/05/2022. The applicant has competed erection of a timber shelter with seating at the rear of the property. The structure measures 5.15m wide and 4.17m deep. The overall height is 2.93m to the front and 2.72m at the rear. There is a gutter to the rear side. The structure requires planning permission as it is over 2.5m high, within 2m of the site boundaries.

The structure is set in from the rear boundary by 410mm and in from the west side boundary by 420mm. It has been built using timber and has open aspect to the front and southern side. The north and west side elevations are solid.

Relevant Planning History

22/0176 - Erection of outbuilding in rear garden - 09/06/2022

Publicity

Neighbours notified on 19/07/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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.

The structure has been constructed using timber which is a common type of material used for the construction of garden buildings and it has been stained to match the colour of the boundary fences.

As it is situated on the rear garden of the site it is not visible in the public realm to the front of the property and given there are boundary fences to the rear of the site measuring around 2m high only the top part of the structure would be visible from the adjacent rear gardens. 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 -

Planning permission is required for the structure as the overall height of 2.93m is above the maximum height allowed within 2m of a boundary, in terms of permitted development. Given that the structure is only around 430mm higher than what would be considered permitted development.

It is set in from the side and west boundaries so there is no cause for concern about encroachment on to neighbouring land. As the north and west elevations are solid walls there would be no privacy concerns.

There is over 10m to numbers 3 and 11 Silverdale close abutting the north and west site boundaries. This would be more than sufficient in terms of SPD 6.

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 in terms of separation distance to the surrounding 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.

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 This decision relates to the plans received on 30/05/2022 and 28/06/2022 and photographs showing dimensions received on 28/06/2022 and the development shall not be carried out except in accordance with the plans 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 09/09/2022			