

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/04/2023	Ref: 69378/FUL
Registration: 23/02/2023	LDFC: 24/03/2023	Expiry Date: 20/04/2023
Site Visit: 04/04/2023	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: Part single/Part two storey side extension and Single storey rear extension

Location: 34 Elterwater Close, Bury, BL8 1UW

Description

The application relates to a two storey semi-detached red brick house on a residential cul-de-sac of similar properties. The attached neighbour at No.36 Elterwater has a conservatory at the rear, adjacent to the shared side boundary. The unattached neighbour at No.32 has a two storey side extension with a set back at the front.

The proposed side extension would project out 2.6m to the shared boundary with No.32 Elterwater. It would have a 1.5m setback at first floor and run back to the rear elevation. The roof would be pitched at a slightly lower level to the main roof. The single storey rear extension would run across the rear elevation of the house and side extension with a mono-pitched roof. A garage/store, utility and kitchen diner would be at ground floor with a bedroom above. The extension would be constructed in red brick and tile to match the existing house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 02/03/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The proposed extension, in design terms, would be in keeping with the house and, with a set back at first floor at the front, would not appear incongruous within the streetscape. Finished in red brick to match the house. The single storey rear extension would not be readily visible from the public realm. In terms of visual amenity the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - Given the attached neighbour has a conservatory at the rear and the two storey element would not extend beyond the existing rear elevation, there would be no serious impact on the residential amenity of the neighbours. The proposal, in terms of residential amenity is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Parking - The driveway at the front would be 5.5m long and sufficient to park a car clear of the highway. This is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

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

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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 001 and 002 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	05/04/2023	DM	14/04/23