

DELEGATED REPORT

Report by Jane Langan	Date of report: 29/03/2022	Ref: 68009/FUL
Registration: 24/01/2022	LDfC: 18/02/2022	Expiry Date: 21/03/2022
Site Visit: 23/02/2022	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/first floor side extension; Single storey rear extension

Location: 37 Walmersley Old Road, Bury, BL9 6SD

Description

The property is a two storey detached house with a single storey flat roofed garage/porch to the front/side. There is a garden and drive to the front and fenced garden at the rear. The neighbouring property to the side of the proposed two storey/first floor extension is No.35. Its two storey side gable wall runs along the boundary with the site and to the rear it is extended with a conservatory. To the opposite side No.39 is extended single storey at the rear. The rear boundary of the site borders the rear gardens to 12 & 14 Palatine Drive.

The application includes extending above the garage and to the rear of it as two storey up to the existing rear elevation. To the rear a single storey would project 3.6m deep from the extended rear elevation and for 6.4m across. The extensions would form an extended kitchen with an additional bedroom with ensuite at first floor.

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 first floor/two storey extension would be built to within 0.88m of the side boundary. The first floor would be set back 0.62m at the front therefore terracing would not be an issue. The roof would be pitched extending from the main ridge and forming a side gable wall. The single storey sections to the front and rear would have a monopitch roofs. Materials would be roof tiles to the main roof to match and those to the single storey roofs tiles of a similar colour. The walls would be 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 3 to 4 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 3 parking spaces. The site as existing has a drive to the front for one vehicle, there may be potential for further if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The proposed first floor/two storey side extension would run alongside the blank wall to No.35 and would itself be blank wall. No.35 is extended single storey at the rear and the proposed single storey would not project more than 3m from the rear of this. The side elevation to this neighbouring property would be blank wall. In relation to No.39 the single storey would have doors to the side elevation but be set

DELEGATED REPORT

approximately 4.5m in from the boundary and No.39 is also extended single storey at the rear.

There would be in excess of 7m from the proposed first floor rear window to the boundary and it would also be to a non habitable room as an ensuite.

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 drawing numbered 37WOR/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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	29/03/22		