

DELEGATED REPORT

Report by Mo Warsame	Date of report: 22/06/2023	Ref: 69586/FUL
Registration: 09/05/2023	LDfC: 01/06/2023	Expiry Date: 04/07/2023
Site Visit: 14/06/2023	Site Notice: N/A	Press Date: N/A
09:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front extension; Widening of existing vehicular access

Location: 8 Somerset Drive, Bury, BL9 9DG

Description

The property is a two-storey semi-detached dwelling which has been previously extended at the rear. There is a paved garden at the rear with fences to all boundaries. Directly along the west boundary is the side elevation of a detached garage to the rear of No.6 Somerset Drive. Properties to the front are currently more than 20 metres from the rear elevation of the existing extension.

Planning permission is sought for a single storey front extension along with the widening of existing vehicular access. The single storey front extension would project 1200mm to the front and run 4830mm to the side. The development would have a mono-pitched roof and would be constructed with matching materials. The proposal would accommodate new porch entrance and a bathroom.

Relevant Planning History

56005 - Single storey extension to rear. - Approve with Conditions 08/03/2013
59843 - Single storey extension at rear (Resubmission: 56005) - Approve with Conditions 31/03/2016
68720 - First Floor Rear Extension - Approve with Conditions 07/11/2022
22/0143 - Not built in accordance with approved plans of planning permission 67313 - 16/05/2022

Publicity

Neighbour letters sent on 11/05/2023. No objections received.

Traffic Section: No objections subject to condition.

Statutory/Non-Statutory Consultations

Traffic Section

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

Situated to the front, the development would be visible from the street scene. However, the extension would be simple and unobtrusive design, which would not detract from the character of the dwelling or the street scene. Furthermore, the proposed extension would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no windows proposed on either side of the extension and distance to the properties to the front would be considered sufficient. Furthermore, the proposed window to the front would be a non-habitable window.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.
- There have been no objections raised opposing this development from any of the neighbouring properties.
- Minor front ground floor projection without unacceptable impact upon 45 degree line

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the revised drawings received on 20/06/2023 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 The amended vehicular access arrangements indicated on the approved plans, incorporating the reinstatement of the redundant footway crossing, provision of a new footway crossing, hardstanding in a permeable/porous material extending under the proposed canopy and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the adopted highway and all associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, shall be implemented to the written satisfaction of the Local Planning Authority before the new parking facilities hereby approved are brought into use. (HY08 Amended)

Reasons

To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	22/6/23	DM	22/6/23