

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/12/2023	Ref: 69371/FUL
Registration: 31/10/2023	LDFC: 25/11/2023	Expiry Date: 26/12/2023
Site Visit: 16/11/2023	Site Notice: N/A	Press Date: 09/11/2023
Objections: 0	Con Area: RAMS	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition no. 2 (approved plans) of planning permission 66939 (for single storey extension at rear, two storey side extension incorporating garage and first floor side extension); Removal of first floor side/rear extensions; Change position of rear balcony; Additional first floor extensions at front and side and alterations to windows and doors.

Location: 40 Bury New Road, Ramsbottom, Bury, BL0 0BY

Description

The application relates to a detached dwelling within a large, well screened garden. The site is located to the south of Ramsbottom town centre and just outside the conservation area. The nearest neighbour is to the south, about 30m away and separated by mature boundary planting.

The application seeks to amend the approved proposals, granted in August 2021. The main change would be the removal of first floor side/rear extensions and add a first floor extensions at front and side. The revised scheme also alters window and door configuration and changes the position of rear balcony.

Relevant Planning History

53158 - Installation of velux windows (retrospective) - Withdrawn - Invalid 29/09/2010
66939 - Single storey extension at rear, two storey side extension incorporating garage and first floor side extension - Approved 05/08/2021

Publicity

Immediate neighbours notified by letter dated 03/1/2023. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 plot is large and the revisions to the extensions would in terms of scale and appearance, remain in keeping with the existing house. Due to the mature high hedges around the site, the property would not be viewed from the public arena. Finished in a render which is acceptable. The site is not within Ramsbottom Conservation Area but borders onto it. The proposal would have no detrimental impact on the conservation area or streetscape. Complies with UDP Policies H2/3, EN2/1 and EN2/2 and guidance relating to extensions and alterations.

Residential Amenity - Given the size and siting of the extensions, boundary planting and distance to the boundary with neighbours (9m), there are no residential amenity issue arising from the revised scheme. Complies with UDP Policy H2/3 and guidance.

The proposed alterations to the original plans are considered to be acceptable comply with UDP Policy H2/3 and guidance in SPD6 relating to alterations and extensions.

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 drawings numbered JCBD-21-207/2Rev02, 5Rev07, RNP004/02/prp, RNP005/02/prp 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>
Tom Beirne	14/12/2023		