

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 12/12/2023	Ref: 70088/FUL
Registration: 03/10/2023	LDfC: 27/10/2023	Expiry Date: 28/11/2023
Site Visit: 19/10/2023	Site Notice: N/A	Press Date: 12/10/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side/rear extension

Location: 38 Keswick Drive, Bury, BL9 9LT

Description

The proposal relates to a suburban semi-detached dwelling of routine form and character, the western side boundary of which bounds a secondary access (vehicular and pedestrian) to St. Peter's Primary School.

The proposal is for the erection of a lean to side extension, set back 0.8m from the principal elevation, approximately 2.56m wide (off the gable wall) and projecting 2.7m beyond the existing rear wall, and 3.85m high. A gap of 0.7m would be maintained between the side of the extension and the side boundary fence. It would be finished in render and tile to match the existing.

The proposal has been amended to reduce the width of the proposed extension (by 0.7m) and set the front wall back from the building line (by 0.8m).

Relevant Planning History

None relevant.

Publicity

Neighbouring properties notified on 05/10/2023. No representations received.

Statutory/Non-Statutory Consultations

United Utilities (Water and waste): No comments received.

Public Rights of Way Officer: No comments received.

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, 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.

ASSESSMENT

Visual amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that complements the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be minor in nature and follow the format of the existing dwelling and assimilate appropriately in relation to scale, form, proportions and materials. It would not have any unacceptable impacts on visual amenity or the street scene and would therefore be compliant with the above policy and the SPD.

Residential amenity

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

- The extension would only project 2.7m from the existing main rear wall and would be over 6 metres from the common boundary with the adjoining property and would not encroach beyond the 45° degree line as taken from the nearest neighbouring habitable room window.
- The side facing window would serve a non-habitable room and would be enclosed by 1.8m high fencing.

Given these circumstances, the single storey extension would not have any unacceptable impacts upon neighbouring amenity.

Parking

Troposal has been amended to maintain a 5.5m length of driveway between the front of the extension and the boundary with the adopted footway. The existing front garden is flagged which will therefore enable two vehicles to continue parking off the street.

Conclusion

The proposed extensions would not have any unacceptable impacts upon visual or residential amenity or highway safety. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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 drawings
Site Location Plan (Dwg No. 23057 - LP)
Proposed Site Plan (Dwg No. 23057 - SP - B)
Proposed Plans (Dwg No. 23057 - 02 - B)
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.

<u>Case Officer</u> DC	<u>Date</u> 12/12/2023	<u>Sign off Officer</u>	<u>Date</u>
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