

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 25/06/2024 | <b>Ref:</b> 70786/FUL          |
| <b>Registration:</b> 22/05/2024 | <b>LDfC:</b> 21/06/2024           | <b>Expiry Date:</b> 17/07/2024 |
| <b>Site Visit:</b> 11/06/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey extension at side

**Location:** 211 Walmersley Road, Bury, BL9 5DF

### **Description**

The application relates to a large three storey, red brick semi-detached house with a small front garden fronting Walmersley Road. At the rear there single storey extension across the rear and a small yard area which is at the same level as the dwelling. There are steps leading down to a gate to the back street and the garage.

The proposal is to add a small single storey flat roof side extension, set well back towards the rear and projecting out just under 1m from the side gable. The extension would measure approximately 5.7m by 3.3m and infill a gap between the main rear elevation and the single storey rear outrigger. The extension would have a flat roof with a central roof lantern and would comprise a dining area. Finished in red brick to match the house.

### **Relevant Planning History**

66692 - Single storey rear extension and canopy - Approved 04/06/2021

### **Publicity**

Immediate neighbours notified by letter dated 31/05/2024. No objections received. One comment from the neighbour indicating no objection to the revised plan as opposed to the original plan submitted.

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions - N/A**

### **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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 is modest in scale and set well back from the front elevation, would not be readily viewed within the streetscape. finished in brick to match the main house, the extension is considered acceptable in terms of visual amenity and complies with UDP Policy H2/3 and associated guidance on extensions and alterations.

**Residential amenity** - Given the modest scale and siting, the extension does not raise any significant residential amenity issues. The closest neighbour at 213 Walmersley Road has a blank gable adjacent to the shared side boundary. No objections received from neighbours. The proposal is acceptable and complies with UDP Policy H2/3 and associated guidance on extensions and alterations.

**Public comment** - It is the revised plan that is being assessed and as such the issues raised by the neighbour have been addressed.

**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 drawings numbered ZT24-196-01, 02, 03 and revised plans and elevations ZT24-196-04, received 04/06/2024 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          | 25/06/2024  | DM -                    | 01/07/24    |