

Description

The property is a two storey detached house with garden and drive to the front. To the rear it has been extended with a conservatory and there is a fenced garden. No.26 is the neighbouring property to the west side and slightly lower. Its rear elevation is around level with that to the site and it has patio doors closest to the shared boundary. To the opposite side No.30 is extended single storey at the rear. The rear of the site boundary borders the rear garden to 145 Rochdale Old Road. It is completely screened by the trees and planting in its garden.

The application proposes to remove the existing 3m deep conservatory and replace it with a single storey extension 4m deep and 6.75m across. It would form a conservatory room with utility room and wc.

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

<SQLDCPolicyComRep>

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 extension would have a monopitch roof with roof lights. The rear elevation would have doors and there would be one window to each side elevation. Materials would be brickwork to match and roof tiles to match the existing colour.

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 not affect the existing parking arrangements at the front.

Residential amenity - In relation to No.26 to the west side the proposed extension would not encroach a 45 degree line from the mid point of its ground floor patio doors. This property is lower but not to any significant level. Single storey extensions at 4m deep can also be permitted development and the larger homes scheme can allow deeper. There would be one window to the side elevation which would be at high level at 2m from external floor level to cill.

To the opposite side No.30 is extended single storey at the rear which has one small window in the side elevation. The proposed extension would project less than 3m from the rear of this neighbouring property as extended. The proposed extension would have one small side window to the utility room. The site and No.30 have fencing screening along the garden boundaries.

The property to the rear is completely screened by its own planting.

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.