

DELEGATED REPORT

Report by Helen Pressley	Date of report: 29/11/2021	Ref: 67683/FUL
Registration: 19/10/2021	LDFC: 26/11/2021	Expiry Date: 14/12/2021
Site Visit: 23/11/2021	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey flat roof rear extension

Location: 10 Brookmoor Road, Prestwich, M25 3EJ

Description

The application relates to a detached dwelling house located on Brookmoor Road. The premises has parking to the front with gardens located to the rear and side of the property.

Planning permission is sought for the construction of a single storey rear extension that projects approximately 2025mm.

Relevant Planning History

57464 -Demolition of existing buildings for residential development of 6 detached and 18 semi-detached houses with associated external works - Approve with Conditions - 11/7/2014

58179 - Non-material amendment following grant of planning permission 57464 for demolition of existing building for residential development of 6 detached and 18 semi detached houses with associated external works for revised site layout to realign properties to facilitate the position of land drain; electric gate omitted - Approve 16/12/2014

58241 - Amendment to planning permission ref. 57464 - substitution of house types for 24 units in total - Approve with Condition s- 05/02/2015

59282 - Amendment to planning permission ref. 57464 - change of house types D and E addition of a conservatory at rear - withdrawn

Publicity

Neighbour letters sent 04/11/2021. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments 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 located entirely to the rear of the premises, which is bounded by a residential garden and a supermarket car park. As the rear of the site is not readily visible, the introduction of a flat roof is considered to be acceptable. The proposed extension would not overwhelm the dwelling or result in over development of the associated residential amenity space. The proposed windows are considered to be suitably aligned and the use of matching materials is acceptable.

The proposal is therefore considered to comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- No dwellings directly to the rear of the site.
- No dwellings to the west of the site.
- Window facing towards side boundary with No. 8 would be a secondary window and largely screened by the existing boundary treatments.
- Proposed extension would project more than 3 metres beyond the rear of No. 8 but would not intercept a 45 degree line as taken from the nearest ground floor habitable room window and would therefore comply with SPD 6.

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 317-01, 317-02, 317-03, 317-04, 317-05, 317-06, 317-07 and 317-08 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>
Helen Pressley	29/11/2021	DM	30/11/2021