

DELEGATED REPORT

Report by Mo Warsame	Date of report: 12/01/2023	Ref: 68932/FUL
Registration: 19/10/2022	LDFC: 11/11/2022	Expiry Date: 14/12/2022
Site Visit: 09/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side and Porch at side/rear

Location: 37 The Drive, Bury, BL9 5DG

Description

The property is a traditional semi-detached house with a detached garage at the side/rear. There is an evergreen hedge to the side and rear boundaries and the property has a parapet roof which hides the hipped roof beyond. The house was split into two separate dwellings (35 and 37) in the early 20th century.

Planning permission is sought for the erection of a single storey side/rear extension (storeroom) and a single storey porch to the side/rear. The storeroom extension would project approximately 3.3 metres, while the porch extension would project 1.4 metres. The proposed development would utilise the use of matching materials. The storeroom extension would have a flat roof and the porch extension would a pitched roof.

Relevant Planning History

44965 - OUTLINE RESIDENTIAL DEVELOPMENT - ERECTION OF DETACHED BUNGALOW - Approve with Conditions 28/12/2005
45913 - RESERVED MATTERS FOR ERECTION OF DETACHED BUNGALOW - Approve with Conditions 13/04/2006
46825 - ERECTION OF DETACHED BUNGALOW (REVISED SCHEME) - Approve with Conditions 25/09/2006
16/0338 - Garage conversion - 19/09/2016

Publicity

Neighbour letters sent on 20/10/2022. No objections.

Statutory/Non-Statutory Consultations

Conservation Officer - No response

Prghboure-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start con itions

Unitary Development Plan and Policies

EN1/1 Visual Amenity
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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed extensions would be visible from the public arena. However, it would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The storeroom extension would have a flat roof, while the porch extension would have a pitched roof. The proposed development would be constructed with materials to match the existing dwelling. As such, the proposed single storey side/rear extensions would not be prominent feature in the street scene and would therefore be acceptable.

Overall, the proposed development would not be a prominent feature in the street scene and would comply with Policies EN1/2, H2/3 of the Bury Unitary Development Plan and

SPD6.

Residential Amenity

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

- In terms of overlooking and privacy to the side and rear, the development would have no new habitable windows proposed. Additionally, the storeroom would have no windows at all and there would be a sufficient set back between the shared boundaries and the proposed porch due its modest projection. Furthermore, the development would be further shaded by the existing garage and evergreen hedges beyond to the side/rear.
- In terms of the general prominence and impact on daylight the proposed extensions would be set off from the shared boundaries and therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 72_01, 72_02, 72_03, 72_04, 72_05, 72_06 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW - 12/01/2023			