

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/06/2025	Ref: 71795/FUL
Registration: 23/04/2025	LDfC: 30/05/2025	Expiry Date: 18/06/2025
Site Visit: 03/06/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension with juliette balcony at rear and garage conversion

Location: 46 Chadderton Drive, Bury, BL9 8NR

Description

The application relates to a two storey semi-detached house on a residential road of similar styled properties. Attached single garage at the side and parking/hardstanding at the front. The attached property at No.48 has a conservatory at the rear. The unattached neighbour at No.44 has a driveway along the shared side boundary with a single garage at the rear. The rear garden is bounded by a 1.8m timber fence. Mature planting along the rear boundary of No.34 Thurston Close.

The extension would extend above the garage and run back to the rear elevation. The new roof at the front would be a 'cat-slide' design and it would wrap around the front to form a new roof across the single storey front bay/porch. The rear elevation of the extension would include patio doors and a juliet balcony. Finished in brick and tile to match the existing house. The hardstanding on the frontage would be retained and accommodate a least two vehicles clear of the highway. The extension would accommodate a kitchen at ground floor and a study and shower room above.

Relevant Planning History

N/A

Publicity

Neighbour notification letters posted 07/05/2025. One objection received and summarised as follows:

Concerns about the loss of privacy in that the proposed double door and Juliet balcony will overlook our property. The back-to-back distance from the proposed development to our home is 21metres. Limited intervening vegetation only provides some seasonal screening, not all year round. There is no such screening for the habitable bedroom.

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 PpE 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 extension is set down from the main roof and is in keeping with the scale and appearance of the existing property and would not be incongruous within the wider streetscape. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to Extensions and Alterations.

Residential amenity - Given the siting and scale of the extension, there are no residential amenity issues arising. There is a secondary side door on the gable of the unattached neighbour with no other windows.

At the rear, there is 9m from the rear elevation of the extension and the new first floor patio windows/juliet balcony to the rear boundary and 21m to the rear elevation of the property

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directly to the rear. The residents at the rear have concerns about overlooking and privacy however the minimum distances between habitable room windows and rear boundary, and indeed historic 'window to window' distances have been met. In addition to the distances involved, there is mature planting on the boundary, and in control of by the neighbour to the rear and this further mitigates impact from overlooking.

With a juliet balcony rather than a 'walk-on' balcony, there is no valid reason to refuse planning permission for the proposal. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to Extensions and Alterations.

Public comments - The overlooking/privacy issue raised by the neighbour at the rear have been addressed in the above report.

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 existing and proposed drawings numbered A100 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 and Places for Everyone Joint 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	04/06/2025		