

Description

The application relates to a previously extended, two storey semi-detached property with a small front garden area with wall and fences to all boundaries and a single parking space available to the front of the site. Access to the rear garden is through the property.

At the rear there is a two/single storey extension and raised decking. The land to the rear of the site is around 1m lower compared to the dwelling so there are steps leading from the decking to the garden below. Directly to the rear of the site is an area of woodland. Numbers 36a and 36b Albert Avenue to the west are flats and no.40, attached on the east side is a similar style building with a single storey rear extension and raised decking. There are fences and some planting to all boundaries.

The proposal is to build a single storey rear extension which given the way the land drops would extend to the lower ground level beneath. It would project 2.82m off the rear of the existing single storey extension and it would measure 8.79m wide. The roof would be flat with two Succah roof lanterns. There would be glazing along the whole of the rear elevation with a single central door. Steps would be built to the rear of the extension for access to the garden.

Relevant Planning History

53333 - Single storey extension at rear - Approve with Conditions 13/12/2010

56078 - Two storey/first floor extension at side and first floor extension at rear. - Approve with Conditions 22/04/2013

57134 - Structure (open tree house) (retrospective) - Approve with Conditions 18/03/2014

59017 - Two storey/first floor extension at side - Approve with Conditions 08/09/2015

63909 - Boundary fence and gate at front/side - Withdrawn by Applicant 02/05/2019

67177 - Prior approval for proposed single storey extension at rear. - Prior Approval Not Required - Extension 27/07/2021

13/0648 - Felling protected trees: rear structure - 07/07/2014

19/0029 - Erection of fencing/gates - 07/03/2019

Publicity

3 neighbours notified on 27/06/2023 - No comments or objections 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 extension would be built on the rear elevation of the existing property meaning it would not be openly visible in the public realm along Albert Avenue. The extension could be visible from the rear gardens of the adjacent properties but as the extension would be built with materials that would be considered to be in keeping with the existing building, it would not have any significant detrimental effect on visual amenity in this area.

Many properties in this area have a Succah roof lantern, but there would be two Succah installed to the extension. Given that this type of roof lantern is common in this area and they wouldn't be visible in the streetscene the two Succah roof lanterns would be considered acceptable at this property.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- There are no properties directly to the rear of the site.
- Numbers 36a and 36b are positioned around 2.8m away from the shared boundary with the site and the total projection of extension along the shared boundary with these properties would be 6m. In terms of single storey rear extensions the applicant could build an extension projecting up to 6m from the original rear elevation under the larger homes scheme, providing the neighbour does not object. Given the land level differences to the rear of the site the extension would be slightly higher than what would be considered strictly 'single storey'. However, the 45° rule would be satisfied regards the ground floor window of the neighbouring building. As such the extension would be considered acceptable in terms of SPD 6 and there would be no significant detrimental effect on residential amenity at the flats to the west.
- The attached property is similar to the application dwelling and the land levels appear to be the same. The extension would project 6m along the shared boundary and there have been no objections from this neighbour. As such the extension would be considered acceptable in terms of the larger homes scheme and SPD 6.
- There would be no windows to the side elevations with the adjacent properties.
- The central position of the steps would not have any detrimental effect on residential amenity at neighbouring properties.

Taking the above into account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive at the front. There are also no restrictions to on street parking to the highway in front and public transport is available close by.