

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/05/2023	Ref: 69531/FUL
Registration: 12/04/2023	LDfC: 05/05/2023	Expiry Date: 07/06/2023
Site Visit: 25/04/2023	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: First floor side extension with front pitched roof and first floor rear balcony structure with glazed balustrade; Single storey rear extension

Location: 3 Haweswater Crescent, Bury, BL9 8LT

Description

The application relates to a two storey brick and render detached house on a residential road of similar properties. Integral garage with driveway/parking at the front. There is a conservatory at the rear.

It is proposed to extend out 3m to the side, above the garage whilst maintaining the 1m wide footway to the side. It would run front to rear and the roof would carry over onto the main roof at the same height. Finished in brick and render to match the house. A small balcony, 2.6m wide with a depth of 1.7m, would be formed on the rear elevation and accessed from the main bedroom. It would be located on the north side of the rear elevation, adjacent to the gable of No.5 Haweswater Crescent and set back from the rear elevation of that property. The balcony would have obscure glazed screens on either side.

The single storey rear extension with pitched roof would replace the existing conservatory. It would have a footprint 3.7m by 3.1m and be finished in brick to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 13/04/2023. No objections received.

Statutory/Non-Statutory Consultations

Property & Technical Services - No comment.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations

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 - With the side extension mirroring the other side of the front extension and roof carried over at the same height, the proposal in design terms, in keeping with the existing house and would not appear incongruous within the streetscape. There is sufficient articulation along the frontage to mitigate any appearance of terracing within the streetscape.

The single storey extension at the rear would not be visible from the public arena. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in terms of visual amenity.

Residential amenity - The single storey extension, replacing the existing conservatory would project out 3.7m and would not, at this scale, impact on the amenity of the neighbour at No.1.

The balcony at first floor level at the rear of the side extension would be set back from the rear elevation of No.5 but it is considered that a obscure screen on either side would be reasonable to protect privacy of neighbours on either side.

DELEGATED REPORT

With regard to residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Parking - The existing on site parking is unaffected by the proposal and it therefore complies with UDP Policy H2/3 and guidance in terms of parking.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 ZT23-196-00, 01, 02, 03, 04, 05, 06(revised) and 10 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Prior to first use of the proposed rear balcony, the obscure privacy screens indicated on the revised plans shall be installed and maintained in situ thereafter.
Reason. In the interests of residential amenity pursuant to UDP Policy H2/3 and guidance.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/05/2023	DM	31/5/23