

DELEGATED REPORT

Report by Amanda

Date of report: 30/12/2021

Ref:67783/FUL

Uhunmwagho

Registration: 11/11/2021

LDfC: 10/12/2021

Expiry Date: 06/01/2022

Site Visit: 30/11/2021

Site Notice: N/A

Press Date: 25/11/2021

Objections: 0

Con Area: N/A

Adv Type: ARW

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear and side extensions

Location: 36 Roseberry Close, Ramsbottom, Bury, BL0 9FQ

Description

The application relates to a two storey property. It is adjoined by 34 Roseberry Close on the north side and 38 Roseberry Close on the east. Given the way these properties are built there is no front garden area to this site but there is a large garden to the rear. There is a footpath to the rear and Whittingham Drive runs along the south of site. There are fences to the rear/side boundaries as well as planting and a small tree close to the rear boundary. There is a conservatory on the rear of the dwelling.

The proposal is to replace the conservatory with a single storey extension projecting 3000mm and measuring 4725mm wide. The roof would be mono-pitched with one rooflight. To the south side a second single storey extension would be erected. It would project 3490mm and would measure 4275mm wide. The roof would be mono-pitched with one rooflight. This extension would be built to join the neighbouring extension at no.38 next door.

Relevant Planning History

N/A

Publicity

- Applicant served notice on neighbour and signed Certificate B on 10/11/2021.
- Immediate neighbours notified on 18/11/2021 - No comments or objections received.
- Press advert 25/11/2021.
- Site notice erected on 30/11/2021.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

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.

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.

Both extensions would be built with materials and a design that would be considered to be in keeping with the existing building and they would be very similar to neighbouring extensions at numbers 34 and 38 Roseberry Close to either side of the site. Therefore there would not be any detrimental impact on the character of the existing street scene.

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 -

- The extension to the rear (west) would be built off the shared boundary with no.34 Roseberry Close by around 400mm. This would ensure there would be no encroachment of this boundary.
- There would be no windows to the north side elevation adjacent to the shared boundary with no.34. In addition there is an existing single storey extension at no.34 adjacent to the boundary. As there would be no windows in the side elevation of the proposed extension and it would not project beyond the rear elevation of the extension at no.34 there would be no significant detrimental effect on residential amenity at this property.
- The rear (west) extension would be around 8m from the rear boundary.
- The extension to the south side would project 3490mm which would be the same projection as the extension at no.38 next door. The plans shows that the applicant would be joining their extension on to the extension at this property. Notice has been served on this neighbour at Certificate B submitted with the planning application. No objections have been raised. The agent has also stated on the plans that the applicant is in the process of purchasing the section of the land at no.38 upon which the extension is to be built.
- The extension to the south side would be over 10m from the west boundary and around 4.8m from the southern boundary, which would be the same as the existing extension at no.38 next door.

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 in terms of separation distance to the surrounding properties and that neither of the extensions would project past the rear elevations of the neighbouring extensions.

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 1, 2, 3, 4, 5 and 6 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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

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Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 30/12/2021		DM	04/01/2022