

DELEGATED REPORT

Report by Jane Langan	Date of report: 20/10/2023	Ref: 70040/FUL
Registration: 05/09/2023	LDFC: 26/09/2023	Expiry Date: 31/10/2023
Site Visit: 04/10/2023	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: Single storey rear extension

Location: 66 Wellington Road, Bury, BL9 9BQ

Description

The property is a mid terraced house. It has a fenced yard to the rear which opens on to a back street and the house is extended single storey across part of the rear. The adjoining neighbour to the east side is No.68. It has its main window to the party wall side and then a single storey extension and fencing separates the site yards. To the opposite side No.64 is to the side where the site has its existing extension and it has a garage that extends past the site extension up to the rear boundary.

The application proposes a single storey extension at the rear. It would project 3m deep from the rear elevation to the party wall side. At 1.8m in from this boundary it would project as single storey for 7.15m up to the site rear boundary and for 3.75m across. The extension would form a kitchen, wet room and bedroom.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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 and design - The proposed extension would have a flat roof with lantern light. The deeper section that would run up to the rear boundary would have a door and windows to the side into the yard. Materials would be brick to match the existing. Located to the rear the proposed extension would be visible from the back street where many of the terraces have extensions and garages both flat roofed and pitched and the proposal would not appear out of character.

The proposed extension would reduce the amount of outside amenity space in the rear yard however there would be an area 7.15m in length and 1.8m wide remaining which would be acceptable.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The site has no off street parking and, to the front along Wellington Road, is resident only parking restrictions. The area is close to the town centre and there is easy access to public transport.

Residential amenity - Where adjacent the boundary with No.68 the proposed extension would be 3m deep and blank wall. It would then be set 1.8m in from the boundary and to a height of 2.9m.

To the opposite side the proposed extension would run as blank wall for the full length of

the boundary with No.64 and this property has a garage that runs the length of the boundary. The plans show eccentric foundations to confirm no encroachment to No.64. An informative is added regarding no encroachment from foundations to the adopted highway.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 Sheet 1, Sheet 2 Rev 1, existing and proposed site plans 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	20/10/23		