

Description

The application property is a two storey semi-detached house with a small garden to the front of the site. Access to the rear garden is via a gate to the side of the property. The rear garden has fences to all boundaries and tall planting along the rear boundary. There is currently no on site parking.

The proposal is to build a single storey rear extension. It would project 3.9m from the original rear elevation of the property and it would measure 6.5m wide. The extension would project around 1.7m from the east side elevation of the dwelling and the roof would be mono-pitched with two rooflights. The finished materials would match the existing building.

Relevant Planning History

N/A

Publicity

Neighbours notified on 20/06/2023 - No comments or objections received.

One neighbour did contact the department to advise they couldn't see the plans online. The plans were emailed and posted to them on 26/06/2023. No further contact has been received from this neighbour.

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 to the rear of the property and as such it would not be visible in the public realm. However, it would be built with materials and a design that would be considered to be in keeping with the existing building.

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 blank two storey side elevation of no.71 Myrtle Street North is directly to the rear and would be around 10m from the rear elevation of the extension. Given the extension is single storey only, there is extensive planting along the boundary and there is a road in between the two properties the separation distance would be considered acceptable in terms of SPD 6.
- The extension would project 3.9m along the shared boundary with no.42 Cedar Street, attached to the west side. As there have been no objections from this neighbour and there are no habitable room windows close to the shared boundary the extension would be considered acceptable in terms of the larger homes scheme.
- The extension would also extend around 4m adjacent to the shared boundary with no.46 Cedar Street to the east. As there would be no windows in the side elevation facing this boundary and the 45° rule would be acceptable in terms of ground floor habitable room windows on the rear of no.46 it is considered that the extension would not have any significant detrimental effect on residential amenity at this property.
- The plans show that all of the development would be built within the site boundaries.

Taking the above in to 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 highway to the front of the site.