

DELEGATED REPORT

Report by Jane Langan	Date of report: 29/03/2022	Ref: 68025/FUL
Registration: 02/02/2022	LDfC: 24/02/2022	Expiry Date: 30/03/2022
Site Visit: 28/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of outbuilding; Two storey side extension

Location: 154 Scobell Street, Tottington, Bury, BL8 3ED

Description

The property is a two storey house and the end property in a row of 6. It has garden and a drive to the front and a single storey flat roofed brick store at the side. To the rear is a fenced garden and planting along the rear boundary. There are no properties directly at the rear. The neighbouring property to the side of the proposal is No.152. It is a semi detached house separated by the site drive and its own. The side elevation has a door and window and a further window at first floor.

The application proposes to remove the store and construct a two storey extension at the side. It would come 3.6m out and run from the front to rear elevations with the first floor front set back 0.75m. The extension would form a lounge, extended kitchen with bedroom and ensuite at first floor.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour who object to the proposal and comment :-

- Assuming windows will be in extension which will look direct to our property.
- May also cause additional parking issues on this street.

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 be built to within 0.75m of the side boundary and with the first floor front set back of 0.75m. The roof would be hipped set below the existing ridge and a monopitch roof to the ground floor front. Materials would be to match the existing.

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 proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive that runs along the front garden and side of the house. The proposed extension would then be built on an area that can be used for parking. A drive of 5.5m would be retained and this would be a sufficient length to accommodate a vehicle. There is potential to create additional parking to the front garden, as other properties in the row have, should the applicant should require it. There is on street parking in the area and public transport available. A further consideration is permitted development where single storey side extensions can be constructed without the need for a planning application. In

conclusion it is not considered there are grounds for refusal with regard to the parking arrangements.

Residential amenity - The proposed extension would run as blank wall along the side to No.152 therefore there would be no significant impact to the principle windows to the front and rear of this neighbouring property.

There are no properties directly to the rear and the and there would also be in excess of 7m to the rear boundary from the proposed first floor window which in addition is to a non habitable room. There would be a distance in excess of 13m to the properties opposite across the street. The distances would comply with SPD6 Aspect Standards which sets out the criteria in order to prevent loss of privacy and overbearing relationships..

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.

Response to objection

The issues regarding overlooking and parking arrangements are addressed in the above report.

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 drawing numbered SS 01 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> JL	<u>Date</u> 29/03/22	<u>Sign off Officer</u>	<u>Date</u>
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