

Description

The application relates to a two storey semi-detached property which has a two storey extension to the rear. The property fronts on to The Crescent and there is a side street to the west side. There is a brick wall to the front and side boundaries. At the rear of the property there is a patio area directly to the rear of the house, at a slightly lower level and then the remainder of the garden is accessed via steps down from the patio.

There is a wall along the shared boundary along the patio area with fences to all other boundaries. The rear garden overlooks an area of trees and other planting. There is no on site parking. Given the lay of the land no.31 The Crescent, attached has a slightly lower garden level at the rear. Land to the rear of the site drops significantly to the south.

The proposal is to build a single storey rear extension which would in-fill the gap between the existing two storey rear extension and the shared boundary with no.31 next door. It would project 3.64m from the original rear elevation and the roof would be mono-pitched, sloping up from the shared boundary to the side of the existing extension. Bi-fold patio doors would be installed to the rear elevation.

A new area of decking would be erected to the rear of the extension projecting a further 2m and extending across the whole of the rear elevation. The decking would be stepped down in levels to the garden level.

Relevant Planning History

N/A

Publicity

Neighbours notified on 23/06/23 - No comments or objections received.

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 in a gap between an existing two storey extension and the shared boundary of the attached property and it would be to the rear of the main dwelling. As such it would not be openly visible in the streetscene. It would also be built with materials and a design that would be considered to be in keeping with the existing building. It is considered that the extension would not cause any significant detrimental harm in terms of visual amenity.

The decking to the rear of the property would not be an unusual feature to the rear garden of a dwelling and as it would be lower than the boundary wall it would not be openly visible from the side street to the west. The 1.8m high timber privacy screen installed to the east side of the decking would be considered to be in-keeping with the existing fence along the shared boundary. The design of the proposal is considered acceptable in this location.

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 -

- There would be around 6.5m from the decking to the rear boundary and there are no residential properties directly to the rear of the site. As such this distance would be

acceptable in terms of SPD 6.

- As the extension would be built to the south east side of an existing two storey extension, the decking would be built lower compared to the boundary wall, and there is an access road in between, the proposed development would have no significant detrimental effect on residential amenity at no.27 The Crescent.
- Taking the larger homes scheme in to account, and that the attached neighbour has not objected to the proposal the 3.64m projection along the shared boundary would be considered acceptable in this instance.
- The agent has signed certificate A advising that all of the development would remain within the site boundaries and there would be no encroachment at no.31 next door.
- A 1.8m high privacy screen would be erected on the decking along the shared boundary with no.31. This would prevent users of the decking from overlooking the rear of no.31. A condition would be added to ensure that the screen remains in place at all times.
- The 1.8m high privacy screen would project 2m along the shared boundary, off the rear elevation of the proposed extension. This would result in the whole development projecting around 5.6m along the shared boundary with no.31. As the next door neighbour has not objected to the proposal the projection of the extension and privacy screen would be considered acceptable in terms of the larger homes scheme.

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 road to the front and side of the site.