

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/04/2023	Ref: 69391/FUL
Registration: 24/02/2023	LDfC: 31/03/2023	Expiry Date: 21/04/2023
Site Visit: 22/03/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 20 Mitchell Street, Bury, BL8 1SF

Description

The property is a mid terraced house which has a single storey outrigger across part of the rear elevation. There is a yard to the rear enclosed by a brick wall and gate which leads on to a back street. The adjoining property No.22 and has a single storey section along the boundary with the site forming part of the boundary wall. To the opposite side No.18 has patio doors to the main elevation to the party wall side and then an outrigger which has been extended single storey up to the rear boundary.

The application proposes a single storey extension to the outrigger 4.2m deep and 2.7m across to extend the kitchen and add a wc.

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 be flat roofed to a height of 2.6m. Located to the rear it would only be visible from the back street and mostly screened within the yard. The walls would be finished in brick 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.

The extension would leave 1.5m to the rear boundary and the existing 1.8m gap to the side 8.9m in length which would provide an adequate remaining area of outside amenity space.

Residential amenity - The proposed extension would run along the boundary with No.18. The existing site extension is 3.2m and the proposal would add a further 4.2m. It would be to a height of approximately 2.6m and located to the north west side of No.18. As such it would not cause any significant overshadowing and would be only marginally higher than an outbuilding at 2.5m that could be built under permitted development.
To No.22 on the opposite side the proposed extension would be set approximately 1.8m in from the boundary and with the height at 2.6m it would not have any significant impact in terms of loss of light.
There would be one window in the proposed rear elevation facing the site boundary wall and a kitchen window and door looking into the site yard.

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 SHT 1 of 2, SHT 2 of 2, SHT BC 1a of 2 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	06/04/23	DM	14/04/23