

DELEGATED REPORT

Report by Jane Langan	Date of report: 23/11/2023	Ref: 70192/FUL
Registration: 23/10/2023	LDFC: 21/11/2023	Expiry Date: 18/12/2023
Site Visit: 07/11/2023	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: 23 Aviemore Close, Ramsbottom, Bury, BL0 9WA

Description

The property is a two storey semi detached house. It has a drive to the front and a path at the side which leads to a fenced rear garden. The rear boundary borders a back access road to the rear of terraces on Longsight Road. The adjoining neighbour is No.21 and is extended single storey at the rear. To the opposite side is the unattached No.25 which is slightly higher and the same semi type as the site. It has a window closest to the site side and then patio doors.

The application proposes a single storey rear extension 4.015m deep to form a dining room/snug.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 monopitch roof with roof lights and the rear elevation would have bi fold doors. Materials would be brickwork and roof tiles 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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. Parking would be as existing to the front drive.

Residential amenity - The adjoining No.21 is extended at the rear and the proposal would run as blank wall alongside and come to be around level.

To the opposite No.25 is not extended at the rear and the proposal would be 4m deep and run as blank wall, separated by the gap between the properties. SPD6 states that single storey extensions in excess of 3m should be assessed against the 45 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected.

The rear elevation to No.25 has a window and door to the ground floor room, the same as the site. It is also located to the north side of the site which has the most potential for over

shadowing. The proposed extension would encroach the 45 degree line from the mid point of the window to No.25, which is closest, at a point less than 3m. From the mid point of the adjacent glazed doors it would not. SPD6 deems 3m as an acceptable depth and therefore the consideration is the additional 1m. The proposed extension would have a monopitch roof which would slope down and would be only approximately 2.3m in height at the end. As such the additional height for the last 1m would not be excessive and less than an out building height that could be constructed along the boundary. A further material consideration is the 'larger homes scheme' which allows semi detached properties to extend up to 6m deep where there are no objections from neighbours. No representations have been made on this application. For the reasons as stated it is not considered that there are any justified grounds for refusal.

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 .P2E240823C 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	23/11/23	DM	24/11/23