

DELEGATED REPORT

Report by Mark Kilby	Date of report: 17/05/2022	Ref: 68184/FUL
Registration: 08/03/2022	LDfC: 16/05/2022	Expiry Date: 03/05/2022
Site Visit: 28/04/2022	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 extension at rear.

Location: 68 Hathaway Road, Bury, BL9 8EG

Description

The application site is a detached two storey brick and tile dwellinghouse with a large rear garden sloping down in three stepped levels approximately 20 metres in length. Beyond is Bury golf course. There is a detached two storey dwellinghouse either side of the application site. The plot is oriented north east to south west. On the north west boundary the neighbouring property (89 Ajax) has single storey garage along the shared boundary approximately 2.50 metres from the rear elevation of the application site and on the same level as the garden. Application site has an outbuilding on its shared boundary with No.66 Hathaway on the same level.

The proposal is for a single storey rear extension across the full width of the rear elevation. It would have a pitched roof element and a flat roof element. The height to the ridge would be 3.80 metres and to the eaves 2.80 metres. The proposal would extend beyond the rear wall of the original dwellinghouse by 4.80 metres. Proposed materials would be matching brick and tile in part with the rest part either grey timber or cedar cladding.

Relevant Planning History

None.

Publicity

Letter to adjoining neighbours dated 21/3/2022 and amended letter dated 3/5/2022. No objections received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - None.

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 have a part pitched roof and part flat roof. The proposal would have no visibility in the street scene. The materials would in part match the existing and would in part be either grey timber or cedar cladding and would not be uncommon on domestic properties. The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area or adjoining neighbours or the street scene.

Residential amenity - The proposed extension would be blank wall to the side to No.89 Ajax which would be mainly obscured by the outbuilding and to No.66 Hathaway which would be mainly obscured by the garage along the shared boundary. As such there would then be no serious impact on the amenity of this 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

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The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Existing and Proposed Plans and Elevations 2415 BUR 01 Planning Revision B 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>
Mark Kilby	17/5/22		