

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/01/2024	Ref: 70279/FUL
Registration: 23/11/2023	LDFC: 19/12/2023	Expiry Date: 18/01/2024
Site Visit:	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: Front porch; Single storey side/rear extension

Location: 2 Orchid Drive, Bury, BL9 9EL

Description

The property is a semi-detached dwelling with a drive to the front, a garden and a detached garage to the rear. The adjoining neighbour is No. 4 Orchid Drive and to the opposite side and separated by a public highway are properties No. 175a and 175b Gigg Lane. There are no properties directly to the front and No.186 Gigg Lane is located to the rear of the site.

The planning permission is sought for the construction of a single-storey side/rear extension along with a new front porch. The proposed single storey side/rear extension would project 2.7 metres to the side and project 4.5 metres beyond the principal rear elevation. The front porch would measure 3.2 metres in length and extend 1.3 metres to the front.

The development would have pitched roofs above all extensions and the proposal would accommodate a porch, lounge, toilet, and a new open plan kitchen/diner. Moreover, the proposed extension would be constructed with some matching materials.

Relevant Planning History

68729 - Front porch; Two storey side extension; Single storey rear extension -
RefuseRefused 11/11/2022

69479 - Front porch; Two storey side extension; Single storey rear extension -
RefuseRefused 16/05/2023

69939 - Front porch, Two storey side extension and Single storey rear extension -
RefuseRefused 20/09/2023

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

Situated on a corner plot, the proposed development would be visible from the street scene. The single-storey side/rear extension would have a setback distance between approximately 1.69m to 2.03m from the side boundary. This would be same as the previous application (69939). However, the previous applications proposed a two-storey

side extension compared to the single-storey side/rear extension proposed on this application. Therefore, this would be acceptable as there would be no detrimental impact on the visual amenity of the area. As such, it would not detract from the character of the original dwelling and the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity -

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The side element of the extension would have no proposed side windows that would be facing towards the public highway. The rear element would also have no proposed windows on either side facing the adjacent neighbours.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. Following the assessment of the 45° rule there would be no detrimental impact on the adjoining neighbour. Furthermore, taking in to account the Larger Homes Scheme and that the adjacent neighbour has not objected the projection of 4.5 metres along the shared boundary would be considered acceptable in this instance.
- To the rear, the proposed development would be facing towards the front garden of No.186 Gigg lane. However, there would a setback distance of more than 14 metres to the shared rear boundary. This exceeds the 7 metres required by SPD 6. Therefore, there would be no detrimental impact in terms of overlooking and privacy.
- The proposed front porch would be a relatively small and would not be classed as a habitable room. Additionally, there are no properties in front of the dwelling, as a highway separates the playing fields of Bury All Stars and the site. Therefore, there would be no serious impact on residential amenity.

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - 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 (Dwg No. SHT 1 of 3), (Dwg No. SHT 2, of 3), (Dwg No. SHT 3 of 3) 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.

DELEGATED REPORT

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	08/01/2024	DM	<u>08/01/24</u>