

DELEGATED REPORT

Report by Amanda

Date of report: 28/04/2023

Ref:69497/FUL

Uhunmwagho

Registration: 24/03/2023

LDFC: 27/04/2023

Expiry Date: 19/05/2023

Site Visit: 25/04/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 6 Wheatfield Close, Bury, BL9 6XD

Description

The application property is a two storey semi-detached house with a short wall and railings along the front boundary. There is also a drive way to the front of the site. The rear garden is accessed via a gate to the side of the property. There is a patio and lawn area to the rear with fencing to all boundaries. Given the way the land slopes down steeply from east to west number 4 Wheatfield Close, which is a bungalow is almost a full storey higher compared to the site. The rear boundary is adjacent to the front garden of no.7 Cornfield Close.

The proposal is to build a single storey rear extension. It would project 3.5m from the existing rear elevation and it would measure 4.7m wide. The roof would be mono-pitched with two rooflights and to the rear elevation would be patio doors with a window to either side. There would be no windows to either side elevation.

Relevant Planning History

N/A

Publicity

Neighbours notified on 03/04/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 not be visible in the public realm along Wheatfield Close but as the rear garden abuts the front garden of 7 Cornfield Close to the rear it would be visible from that direction. However, the extension would be built with materials and a design that would be considered to be in keeping with the existing building. As such it would not have any significant detrimental effect on visual amenity in the area.

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 -

- No.8 Wheatfield Close, attached, has a conservatory which runs adjacent to the site boundary and the extension would project to a similar point. As such the single storey extension would not have any significant detrimental impact on residential amenity at this property.
- No.4 Wheatfield Close to the east is a bungalow but as the land is so much higher than the site it is almost a whole storey higher. This property has a single storey extension with no windows to the side elevation running along the shared boundary and to the rear of that is a fence which is a lot higher compared to the fence on site. As such the proposed extension would not have any significant detrimental effect on residential amenity at this property.
- To the rear of the site is the front garden of no.7 Cornfield Close and a turning circle to the front of that. As there is a fence along the shared boundary with this property any views from the proposed extension would be over the applicant's own garden. Any views of the land to the rear of the site would be no different to what could be viewed from the rear garden of the site now.

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 drive at the front.

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 DG01 and DG02 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal hereby approved shall be brick walls and white upvc windows and doors to match those of the existing building. The roof shall be finished with grey extralite tiles
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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 28/04/2023		DM	02/05/23