

DELEGATED REPORT**Report by** Amanda**Date of report:** 23/03/2023**Ref:**69373/FUL

Uhunmwagho

Registration: 22/02/2023**LDfC:** 23/03/2023**Expiry Date:** 19/04/2023**Site Visit:** 13/03/2023**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:** Raised patio at rear, steps to garden level and alterations to the garden.**Location:** 1 Downfield Close, Ramsbottom, Bury, BL0 9HN**Description**

The application relates to a detached bungalow located on a small cul-de-sac comprising of three detached properties. The whole of the front of site is brick paved providing on site parking for at least two vehicles. There is also a double garage to the front of the property. Given the way the land falls the rear garden is at a lower level compared to the dwelling. There are tall hedges to all boundaries and there is a detached timber summer house to the south west corner.

The proposal is to create a raised patio area along with steps to the garden level. The patio would have a maximum height of 750mm from the existing ground level with a 1.1m high glazed balustrade above. The plans show that there would be grass infilled steps centralised to the new patio, leading down to the rear garden. A new patio would be laid along the north east boundary along with a 1.9m Venetian fence along the north east boundary in front of the existing tree line. There would also be new planting toward the rear boundary as well as adjacent to the house. The existing summer house would remain.

Relevant Planning History

N/A

Publicity

Neighbours notified on 01/03/2023 - 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 patio floor would be paved and the walls would be finished in brick to match the existing dwelling. There would be a 1.1m high glazed balustrade along the sides of the patio.

The proposed 1.9m Venetian fence along the north east side boundary would be positioned on the inside of the existing tree line and as such would not be visible from the neighbouring garden to the rear.

The rest of the garden development would be low level and therefore unseen from

neighbouring properties, and the materials used to construct the paved area to the north east side would match the proposed patio area. The design of the proposal is considered acceptable in this location.

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 -

- Most of the garden development would be low level and due to the high hedges/trees to all of the site boundaries there would no concerns regards loss of privacy at surrounding homes and gardens.
- The patio would have a maximum height of 750mm from the ground, which would take it to the same height as the floor level of the dwelling. Given the distance of the new patio to the boundaries and that there are high hedges/trees to all boundaries there would be no concerns regards overlooking of neighbouring gardens and dwellings.
- There would be just under 10m from the raised patio area to the rear boundary. This would be sufficient in terms of SPD 6.
- The new 1.9m high fence would be constructed within the site boundary and the existing trees along the side boundary would remain. As such the new fence would not have any significant detrimental effect on residential amenity at houses on Dundee Lane to the north east.
- The proposal would not interfere with existing parking arrangements on site.

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 in terms of separation distance to the surrounding 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 front of the site.

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 ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03, ZT22-196-04 and ZT22-196-05 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.

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- 3 The finishing materials for the raised patio and all other garden development hereby approved shall be as indicated on the approved plans.

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>
AU -	23/02/2023	DM	12/04/23