

DELEGATED REPORT

Report by Tom Beirne	Date of report: 16/10/2024	Ref: 71111/FUL
Registration: 30/08/2024	LDfC: 01/10/2024	Expiry Date: 25/10/2024
Site Visit: 24/09/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear and side extension

Location: 4 Nuttall Street, Pimhole, Bury, BL9 7EW

Description

The application relates to a red brick semi-detached bungalow on a residential road. The attached neighbour to the east, at No.6 is a two storey house and No.62 Nuttall Mews to the west is a two storey house.

The proposed extension would project out to the side by 2.5m with a roof to match the existing and run back to wrap around the rear elevation. At the rear it would be flat roofed and project out 2.5m to line up with the extension on the attached neighbour's rear elevation. The finishing materials are red brick and tile to match the main property. The extension would accommodate an additional bedroom and dining room.

Relevant Planning History

02986/E - Consideration of 3 no. schemes to determine which is most suitable - once we have pre-application advice only 1 no. scheme will be progressed:

1. Single storey extension at side/rear - 2 options
2. Two Storey extension at side/rear - Enquiry completed 03/07/2024

Publicity

Immediate neighbours notified by letter dated 09/09/2024. One objection received and summarised below.

- The flat roof may cause damp problems to our property
- The flat roof compromises security as there is a bedroom window which could be easily accessed
- We have not received a third party wall notice or agreement as some work will be carried out on to the side wall of our property according to the plans
- The property is used for rental purposes and therefore it will be a nuisance for me and my young family as there may be more renters coming and going.
- The on-street parking is an ongoing issue and if the property is larger the number of people occupying the property will be increased thus affecting parking as there is no drive way or garage.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - The extension is modest in scale and in terms of design and appearance, would be in keeping with the existing bungalow and wide streetscape. Complies with UDP Policy H2/6 and guidance in relating to extensions and alterations.

Residential amenity - There are no issues with overlooking from the extension and there are no issues with overshadowing or with regard to the '45 degree rule'. The extension in

terms of residential amenity is considered acceptable in terms of UDP Policy H2/3 and associated guidance in SPD6 Extensions and alterations.

Parking - There is no on-site parking currently and none is proposed. Given the modest scale of the extension and the addition of only one bedroom, the parking issue is not significant enough within the general streetscape to warrant refusal. The proposal is acceptable in terms of parking and complies with UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

Objection - Issues relating to flat roof/potential damp are matters that are dealt with by building regulations.

The security issue raised by the neighbour regarding the flat roof is not a valid reason to refuse the application. Flat roof extensions are common and don't raise particular concerns. Party wall agreements are a separate private matter.

Whether the property is rented or not is not a material planning matter as the use is the same.

The parking issue is addressed above.

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 72_01, 02, 03, 04, 05, 06, 07 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 and Places for Everyone Joint Development Plan listed.
- 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	16/10/2024	DM -	17/10/2024