

Description

The property is a two storey detached house with an attached garage situated close to the entrance of Chatton Close. Other properties on Chatton Close are also detached properties of a similar style and there are flats to the rear of the site.

Planning permission is sought for a single-storey extension to the rear of the property to accommodate a cinema room. The extension would project 6 metres from the rear and run for approximately 5.4 metres. The proposed development would be constructed using some matching materials and would have a flat roof.

Relevant Planning History

66019 - First floor extension at front/side - Approve with Conditions 02/12/2020.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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

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 to the rear, the development would not be visible from the street scene at the front of the house and would be shaded by the existing high fencing to the side and rear. The extension would be a rectangular extension, simple and unobtrusive design, which would not detract from the character of the dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies EN1/2, H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no new habitable windows proposed on the either side except for the proposed bi-fold doors. However, there would be a sufficient setback distance to the shared boundary from this side. Furthermore, the proposed extension would be slightly set off from the opposite side and rear boundaries and there would be appropriate distance to any property facing the site. Therefore, any overlooking, privacy and overshadowing would not be seriously excessive above and beyond the existing situation.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking into account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 6 metres along the shared boundary would be acceptable.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

Overall, there would be no serious impact on the 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.