

DELEGATED REPORT

Report by Amanda

Date of report: 15/12/2020

Ref:66070/FUL

Uhunmwagho

Registration: 14/10/2020

LDfC: 12/11/2020

Expiry Date: 09/12/2020

Site Visit: 17/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Increase in height of monopitch roof to rear single storey outrigger.

Location: 140 Brierley Street, Bury, BL9 9HN

Description

The property is a mid-terrace house which had an existing single storey rear extension built the whole length of the boundary shared with no.138 Brierley Street to the north side. The applicant has since replaced and raised the roof of the existing extension.

Originally the extension measured 2.6m at its highest point and just 2m towards the rear end of the yard. The new roof height measures 3m along the whole of the extension. No other changes have been made to the original extension.

Relevant Planning History

20/0080 - Unauthorised additional height to external wall - 14/10/2020

Publicity

Immediate neighbours notified on 22/10/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

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. 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 -

The extension is on the rear of the property and given there is a brick wall along the rear boundary only part of the extension is visible from the back street. Whilst it is big/tall it is not considered to be an unusual style of rear extension often found on this type of property. As such on balance it is not considered to be detrimental in terms of visual amenity. 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 -

Given that the extension was already extended along the whole of the shared boundary with no.138 next door there would not be any detrimental impact in terms of its projection, especially as the larger homes scheme would allow a single storey rear extension on an attached property of up to 6m and the neighbours have not objected to the proposal.

The difference between the previous extension and the current one is the roof height. The previous roof height was 2.6m at its highest point and the new roof now measures 3m from ground level for its whole length. Although this does appear tall in comparison to the existing boundary walls along the rear of this terrace as it is only 3m in total height it would

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most likely fall within Permitted Development limits and as such there would be no reason to refuse the proposal.

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 it is no more than 3m high.

Enforcement -

The application was submitted following Enforcement investigation. As there were no neighbour comments received the Enforcement team were contacted to ascertain where the complaint had come from. They advised that the complaint was not from a member of the public but from a Council Officer.

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 This decision relates to drawings numbered 20003 - BP, 20003- LP and 20003- 03 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
		Dave Marno	15/12/2020