

Description

The property is at No. 81 Heywood Road, a semidetached property. The dwelling is a two-storey red brick house with a drive to the front of the property and a fenced garden to the rear. On either side are No. 79 and No. 83 Heywood Road. To the rear, the proposed site borders the rear garden of No. 12 Park Avenue.

Planning permission is sought for a Single storey side/rear extension with raised decking to the rear of the property. The proposal would accommodate utility and toilet to the side along with a kitchen to the rear. The extension would project 2925mm to the rear and 1575mm to the side. The proposed development would be constructed using matching materials and would have a pitched roof with rooflights.

Relevant Planning History

None.

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.

The side element of the development would be visible from the street scene. However, with a projection of 1575mm to the side along with a large setback from the front and projection of 2925mm to the rear, the development extension would not be a prominent feature in the street scene. The single storey side and rear extension would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed decking platform would be raised approximately 300mm from the ground and extend 2971mm to the rear.

The proposed extension would be constructed with materials to match the existing and would replicate the profile of the original property. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies 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 in either side of the single storey side/rear extension and the distance to the rear boundary would be considered sufficient.
- 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. The proposed extension would project 2925mm to the rear along the shared boundary and would therefore be considered acceptable in this instance.
- The extended raised decking to the rear would be acceptable in size and height.
- There would remain an acceptable amount of outdoor private amenity space.
- As there would be no increase to the number of bedrooms at the property the

existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on amenities of the 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.