

DELEGATED REPORT

Report by Jack Livingstone	Date of report: 13/03/2023	Ref: 69179/FUL
Registration: 14/12/2022	LDfC: 02/02/2023	Expiry Date: 08/02/2023
Site Visit: 08/02/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 33 Cheviot Close, Ramsbottom, Bury, BL0 9LL

Description

The property is a semi-detached house located at the bottom of a cul-de-sac. The dwelling has previously been extended to the side and rear. The existing rear extension projects 3000mm from the rear of the property.

The application proposes a further rear extension, set back from the boundary with No. 35 by 1000mm, of 3000mm x 4840mm to form an orangery.

Relevant Planning History

N/A.

Publicity

Neighbours initially notified by letter dated 12th January. Neighbours were notified by a second letter dated 23rd February, following amendments to the proposals.

1 objection was received initially, which raised concerns over loss of light as a result of the proposed extension. Following the amendments to the proposal, the consultee withdrew their objection and left a response in support of the proposals.

Statutory/Non-Statutory Consultations

N/A.

Pre-start Conditions - N/A.

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.

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 proposed rear extension would not be visible from the street and would be modest in proportion and in keeping with the house and streetscape.

The proposed windows are of suitable type and alignment.

Proposed finishing materials are acceptable and are in keeping with the house and the character of the area.

It is considered that the proposals would be acceptable in terms of visual amenity to UDP Policy H2/3 and SPD 6.

Residential amenity

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

The proposed rear extension would project approximately 6000mm beyond No. 35. This

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exceeds the 3000mm that SPD6 deems acceptable from the rear of neighbouring properties. A 45 degree line from No. 35's closest habitable room, however, already intersects with the existing rear extension. As the proposed rear extension would be set back from the boundary with No. 35 by 1000m, there would be no significant increase to overshadowing onto No. 35. This is considered to be acceptable in terms of residential amenity to SPD 6 and H2/3.

No proposed side windows would overlook No. 35 other than two smaller secondary windows. These would face the boundary treatment and as the extension is set off the boundary and a way in to the site, there would not be any significant impact upon the adjoining property.

The proposed orangery is not considered to be a habitable room. Its proposed windows and bi-folding doors would be screened from No. 31 and No. 12 Whittingham Drive by substantial fencing, hedging, and a garage. As such it is considered that the proposal would not lead to a detrimental loss of privacy, or increase of noise.

No. 35 would retain a suitable amount of garden space that would not be adjacent to an extension.

It is considered that the proposals would be acceptable in terms of residential amenity to UDP Policy H2/3 and SPD 6.

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 390601122 (existing - 21/02/23), 390601122 (revised proposed - 21/02/23), 390601122 - 500, and 390601122 - 1250 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 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 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>
JA	13/3/23	DM	13/3/23