

DELEGATED REPORT

Report by Jane Langan	Date of report: 22/09/2023	Ref: 69905/FUL
Registration: 07/08/2023	LDFC: 31/08/2023	Expiry Date: 02/10/2023
Site Visit: 23/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor extension at side/rear

Location: 16 Abbey Drive, Bury, BL8 2HP

Description

The property is a semi detached house with garden and drive to the front. The main house is two storey and there is a single storey section to the front, side and rear. To the rear is a fenced garden that borders the rear garden to 136 & 138 Fieldhead Avenue. The attached neighbouring property is No.18 and to the rear it has patio doors to the party wall side. To the opposite side the unattached No.14 is similar to the site having a single storey section to the front and then a garage at the side and single storey to the rear.

The application includes a first floor extension at the side set back 0.7m from the front elevation. It would run for 9m along of which 2.1m would project past the rear elevation and extend across 5.85m above the existing single storey. The extension would form an extended and additional bedroom and relocated bathroom.

Relevant Planning History

42056 - Front porch; Pitched roof over existing garage; Single storey extension at side and rear - AC 05/04/04.

Publicity

Surrounding neighbours were notified by letter and no responses have been 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.

Visual amenity and design - The proposed extension would come to within 0.8m of the side boundary. With the first floor front set back 0.7m terracing would not be an issue. The proposed roof would be pitched set below the main ridge and forming a side gable wall and a dual pitch with a gable to the rear elevation. Materials would be brick and roof tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive to the front for parking 1 to 2 cars and there may be potential for further to the front garden if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - In relation to the adjoining No.18 the proposed first floor would be set away from the boundary, at approximately 3m, and there would be no encroachment over a 45 degree line taken 1m out along the shared boundary.

To the opposite side to No.14 the proposed first floor would run along the side elevation to this neighbouring property and where projecting past the rear it would not project past its ground floor as extended and at first floor there would be no encroachment over a 45 degree line from the mid point of the closest first floor rear window, and the main window to No.14 window is to the party wall side.

The first floor side elevation of the proposal would have a small window to the bathroom noted to be obscure glazed.

There would be a distance in excess of 7m, the plans noting 10.7m, from the proposed first floor window to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 1 & 2 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	22/09/23		