

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 26/09/2023 | <b>Ref:</b> 69924/FUL          |
| <b>Registration:</b> 07/08/2023 | <b>LDfC:</b> 31/08/2023           | <b>Expiry Date:</b> 02/10/2023 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey side/rear extension

**Location:** 36 Larkfield Close, Tottington, Bury, BL8 4QJ

### **Description**

The application relates to a two-storey detached house on a residential road of similar styled properties. The houses along the row in which the property is set have a staggered character. The neighbours on either side are No.34 and No.38 Larkfield Close. To the rear, the site shares a boundary with Greenmount Primary School.

Planning permission is sought for a single storey infill extension to the side/rear. The extension would project approximately 7 metres along the side to align with the principal rear elevation. The proposal would accommodate a new utility room along with additional lounge on the ground floor. The development would be constructed with matching materials and would have a pitched roof with rooflights.

### **Relevant Planning History**

64023 - Lawful development certificate for proposed single storey extension at rear - Lawful Development 29/05/2019

### **Publicity**

Neighbour letters sent. No objections received.

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions** N/A

### **Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN1   | Built Environment                                           |
| EN1/1 | Visual Amenity                                              |
| 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 single storey infill extension would not project out beyond the principal rear elevation. The development would be tucked in behind the existing garage and would therefore not be visible from the front elevation. Furthermore, it would be a simple rectangular structure with pitched roof that would be constructed with matching materials. Therefore, there would be no detrimental impact on the street scene.

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 -**

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed front infill extension would not project beyond the rear elevation of the

existing dwelling nor the adjacent properties and there would be sufficient distance to the rear boundary.

- The adjacent property (No.34) projects non-habitable side windows from its garage and there would be sufficient setback distance from the shared SIDE boundary. Additionally, the existing scrubs would further shade the proposed windows from this property. Therefore, the proposed side widows would not have any detrimental impact the residential amenity of the adjacent properties.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

**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 Dwg No. 458/01, Dwg No. 458/02, Dwg No. 458/03, Dwg No. 458/04, Dwg No. 458/05A, Dwg No. 458/06, Dwg No. 458/07, Dwg No. 458/08 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> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 26/09/2023  |                         |             |