

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/03/2024	Ref: 70453/FUL
Registration: 02/02/2024	LDfC: 27/02/2024	Expiry Date: 29/03/2024
Site Visit: 22/02/2024	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: New front porch

Location: 680 Walmersley Road, Bury, BL9 6RN

Description

The application relates to a two storey, bay fronted, detached dwelling house located on Walmersley Road. The premises fronts Walmersley Road, with the front boundary depicted by a red brick wall. To the rear of the premises is an area of garden, the rear boundary of which backs onto Walmersley Old Road.

Planning permission is sought for the removal of the existing porch and for the construction of a new porch that projects approximately 1920mm. The application is retrospective.

Relevant Planning History

61074 - Raise roof ridge height with loft conversion and rear dormer - Approve with Conditions 29/03/2017

Enforcement

24/0020 - Front porch - 08/02/2024

Publicity

Neighbour letters sent 05/02/2024. 1 representation of support received in relation to:

- I support this application 100%.
- After seeing the almost finished structure when walking past it's a obvious massive improvement to the rotting down porch that was previously there. Aesthetically pleasing and fitting to the nature of the house and the area. Great work.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 porch would not project excessively from the front elevation. The porch is higher than the adjacent bay windows, and the applicant has been spoken to in relation to reducing the height of the roof however a site visit confirmed that the height of the porch has been dictated by the existing arch above the front door. The previous porch dissected this stone work and the applicant is keen to retain this original feature of the property. Whilst the porch is higher than the adjacent bays, the parapet would tie in with the stone work on the principal elevation and the stone banding below the parapet helps to add an element of interest to the projection above the central key stone. The existing flashing also makes the bay windows appear taller than they are. No objections are therefore raised in relation to the height of the porch.

The proposed arch windows and entrance door would replicate the arch above the original front door of the property. The materials would match the existing dwelling.

It is therefore considered that the proposal would comply with 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.

- No. 678 to the south of the site is sited at the back edge of the footpath. The proposed porch would not project any further forward than the front elevation of this property.
- The proposed porch would be partially obscured by the existing bay window and not impact on a 45 degree line as taken from the nearest ground floor window of No.682 to the north of the site.
- The proposed windows and door would relate to a non-habitable room and therefore aspect standards have not been applied.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Site Location Plan, SP01, LE01 Rev A received 7th March 2024 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.
- 2 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>
HP 7/3/2024		DM 08/03/24	