

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/12/2021	Ref: 67686/FUL
Registration: 20/10/2021	LDFC: 26/11/2021	Expiry Date: 15/12/2021
Site Visit: 16/11/2021	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: Porch at front, erection of detached garage at side and conversion of existing garage to habitable room

Location: 23 Durers Chase, Radcliffe, M26 2TH

Description

The application relates to a detached dwelling located on Durers Chase. The property is located at the end of a cul-de-sac. Back Durers Lane is located to the north west of the site. The dwelling has parking to the front that leads to an integral garage and gardens to the rear and side.

Planning permission is sought for the conversion of the existing integral garage with porch to the front that projects approximately 1466mm. To the side it is proposed to construct a single storey garage.

Relevant Planning History

66544 - Single storey side extension - Approve with Conditions 08/04/2021

67464 - Non Material Amendment following grant of planning permission 66544 - reduction in length of extension by 550mm at both front and rear - Withdrawn by Applicant 13/09/2021

Publicity

Neighbour letters sent 4/11/2021. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - no objections subject to a condition that the parking area is constructed from a porous/permeable material.

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

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 of the dwelling and would tie in with the existing front elevation of the garage, and enclose the existing covered canopy to the front of the property retaining the original roof. The proposed window within the garage conversion is suitably aligned. The use of matching materials is appropriate.

The proposed detached garage to the side of the dwelling would be suitably screened from Back Dumers Lane by the existing side fencing. The gable roof is considered to be acceptable as is the use of matching materials. Overall it is considered that the proposed additions would not overwhelm the dwelling or result in over development of the associated residential amenity space.

It is 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.

- Proposed front lounge window would be separated from the side elevation and side garden fencing of No. 21 by a highway. As such no overlooking foreseen.
- The porch door would relate to a non-habitable room and as such aspects not applied.
- The garage door would relate to a non-habitable room and as such aspects not applied.
- No side or rear windows proposed.
- Proposed detached garage would be located approximately 11 metres from the rear of No. 222-224 Dumers Lane and No. 220 Dumers Lane exceeding the 6.5 metres required by SPD 6.
- Drive of 6.6 metres can be provided to the front of the proposed garage exceeding the 5.5 metres required by SPD 6.
- 2 spaces retained within the curtilage of the property. No further bedrooms proposed as a result of the proposal.

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 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 Location Plan, Existing Site Plan and Proposed Site Plan received 20th October 2021, SLW/JK/03 and SLW/JK/04 received 25th November 2021 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 widened driveway in a porous/permeable material indicated on approved plan reference SLW/JK/04 shall be implemented prior to the development hereby approved being brought into use.
Reason. To secure the satisfactory development of the site in terms of highway safety and provide adequate access arrangements to the proposed garage pursuant to UDP 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>

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Helen Pressley 6/12/2021

DM

07/12/2021