

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 04/01/2022

Ref:67613/FUL

Registration: 18/10/2021

LDfC: 10/11/2021

Expiry Date: 13/12/2021

Site Visit: 21/10/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension; Front porch

Location: 139 Walmersley Old Road, Bury, BL9 6SB

Description

The application relates to an unusual 18th century historic character property although not listed or on the local list. The building is subdivided into three separate dwellings. The existing L-shaped property includes an existing rear/side extension on the north/west side with a large side garden on the north side and smaller rear garden on the west side. Within the footprint of the proposed rear extension there was a previous extension which has since been removed. The attached neighbour (Nr 135) has a single storey extension at the rear adjoining the shared boundary and the neighbour on the other side is set some distance apart. The rear boundary comprises a fence approximately 1.8m high and partially covered by dense shrubbery.

Planning permission is sought for a single storey extension that would project out 5.5m and have a flat roof built with single ply flat roof membrane and roof lights, plus a further section extending 3.3m with a timber pergola and no walls. Materials would include coursed squared stone walls (as existing), natural slate roof with single ply membrane, and aluminum bi-folding doors facing towards the courtyard shaped garden.

There would be a separation of approximately 10m between the proposed rear single story blank wall and the neighbours original rear wall. Along the north elevation there would be two new windows and two existing windows would be replaced with full height glazing.

At the front of the property there would be a new porch canopy with pitch roof projecting out by approx. 87cm, which will be the only part of the proposal directly visible from the public highway.

Relevant Planning History

64355 - Prior notification for proposed single storey rear extension in 2019 – no objections.

Publicity

Immediate neighbours notified by letter dated 20/10/2021 sent to 8 (eight) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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 - In terms of design and appearance the proposed front porch canopy extension is generally in keeping with the existing house. The single storey extension at the rear would not be readily visible from the public arena, is generally within the footprint of a previous extension since removed, and would be partially blocked from rear neighbours by an existing approx. 1.8m high fence with shrubbery. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the single-story extension would be positioned such that its large bi-folding doors would face inwards within a mostly self-enclosed courtyard shaped garden. The existing fence and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to the attached neighbours as it complies with the '45-degree rule' within SPD6. The new windows proposed along the north elevation would be set 18m apart from the nearest neighbour at Nr.143.

In terms of the general prominence and impact on daylight the rear extension is entirely single story and immediately adjacent to the blank wall of the neighbours existing rear single storey extension. As such the extension would only have a limited impact on the residents own rear garden in the morning and any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways - The proposal would not affect existing site access or parking arrangements.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. It will provide current residents will improved internal family amenity space. As such, the proposed development is therefore considered to be acceptable and complies 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 SC2021-248-L(-0)004 Rev A, SC2021-248-L(-0)005 Rev A, Plan, SC2021-248-L(-0)007 Rev A 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 and as detailed on the approved plans.

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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>
Stveen Gunn-Russell	04/01/2022	DM	05/01/2022