

DELEGATED REPORT

Report by Amanda

Date of report: 28/01/2022

Ref:67737/FUL

Uhunmwagho

Registration: 06/12/2021

LDFC: 05/01/2022

Expiry Date: 31/01/2022

Site Visit: 13/01/2022

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor balcony at rear

Location: 31 Lansdowne Close, Ramsbottom, Bury, BL0 9WE

Description

The application relates to a two storey detached house which has a conservatory on the rear. There is an open plans garden to the front with on site parking and to the rear there is a private garden area with fences to all boundaries. Neighbouring properties on Silvermere Close to the rear are significantly higher compared to the application property.

The proposal is to erect a balcony on the rear elevation which would be accessed from the master bedroom. The balcony would project 1m from the rear elevation and would measure 3m wide. The structure would be built with dark grey painted steel and the balustrade would be glazed. The existing bedroom window would be replaced with a bi-folding door.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 14/12/2021 - Objections have been received from 2 nearby neighbours relating to the impact on privacy/overlooking their gardens and properties.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 balcony would be a relatively small structure on the rear elevation of the dwelling. It would not be visible in the street scene along Lansdowne Close. The proposed materials would be considered acceptable on this type of property. As such 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 -

- The balcony would be erected to the south side of the conservatory on site so would be a sufficient distance from the shared boundary with no.33 next door not to have any significant detrimental impact on privacy at this property.
- It is also noted that no.33 is also extended to the rear. The extensions at that property

- would screen most of the views from the proposed balcony.
- No.29 to the south of the site has a single storey extension to the rear which would project around 3m past the rear of the proposed balcony and there are no windows in the side elevation of this property. Given that there is a single storey extension to the rear of this property it would screen most views of the rear garden from the proposed balcony.
- Properties to the rear on Silvermere Close are currently around 21.5m from the rear elevation of the existing property. This distance would be reduced to just over 20m if the balcony is built. The properties to the rear are significantly higher to the property on site and there would be around 9m from the proposed balcony to the rear of the site. Taking this in to account it is considered that there would not be any significant detrimental effect on privacy levels at properties to the rear of the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Response to neighbour objections -

The neighbours' concerns have been addressed in the report above.

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 drawing numbered TJB 2021_11_16 received on 03/12/2021 and existing and proposed site plans received on 14/12/2021 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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>
AU - 28/01/2022			

