

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/01/2024	Ref: 70257/FUL
Registration: 20/11/2023	LDfC: 13/12/2023	Expiry Date: 15/01/2024
Site Visit: 28/11/2023	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: Single storey side and rear extension

Location: 9 Hardys Drive, Radcliffe, M26 2TL

Description

The application relates to a semi-detached dwelling house located on Hardys Drive. The premises has an area of lawn to the front with a driveway that leads along the side of the house. An area of private residential amenity space is located to the rear of the dwelling.

Planning permission is sought for the construction of a single storey side/rear extension that projects approximately 2400mm to the side of the existing dwelling, and 2500mm to the rear.

Relevant Planning History

None

Publicity

Neighbour letters sent 21/11/2023. No representations received.

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 extension would be located to the side of the original dwelling with a slight set back behind the principal front elevation, and is sited approximately 600mm off the shared boundary. The proposed extension is considered to be of a suitable scale and massing and would not overwhelm the original dwelling or the associated residential amenity space.

The proposed hipped roof is considered to be acceptable, and the proposed windows are considered to be suitably aligned. The use of matching materials is appropriate. The proposed plans show an amendment to the parking arrangements to the front of the property but would still retain an area of soft landscaping maintaining the character of the street scene.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling or the street scene and would therefore 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.

- The proposed extension would not project beyond the front elevation of the neighbouring properties.
- The proposed rear extension would not project more than 3 metres beyond the rear elevation of No. 7 complying with SPD 6.
- The proposed side extension would be adjacent to the blank gable of No. 7 which is considered to be acceptable.
- The proposed rear extension would not project more than 3 metres beyond the rear of No. 11 complying with SPD 6.
- No windows proposed facing towards No. 7.
- Proposed side window facing towards the boundary with No. 11 would be a secondary window largely screened by the existing close boarded fence.
- Proposed rear window would be screened by the existing close boarded fencing.
- Proposed front window would project no further forward than the existing front window arrangement.
- Driveway of approximately 7.3 metres can be retained to the front of the proposed extension allowing for at least one vehicle to be parked clear of the highway to the front of the property.

Given the above it is considered that the proposal complies with UDP Policy H2/3 and SPD 6.

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 SHT 001 Rev C and SHT 002 Rev C 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u> HP 09/01/2024	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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