

DELEGATED REPORT

Report by Helen Leach	Date of report: 08/01/2024	Ref: 70313/FUL
Registration: 04/12/2023	LDfC: 06/01/2024	Expiry Date: 29/01/2024
Site Visit: 05/01/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single Storey Side Extension

Location: 18 First Avenue, Tottington, Bury, BL8 3JA

Description

The application site relates to a semi-detached dwelling, which is located on a cul-de-sac. The dwelling is two storeys in height and is constructed from red brick with a tile roof. There is a front, side and rear garden. There is a driveway to the front and side, which has space for 3 cars.

There are dwellings to all boundaries of the site. The adjacent dwelling (No. 20) has a two storey extension to the side and rear.

The proposed development involves the erection of a single storey extension to the side/rear. The proposed extension would measure 2.6 metres by 9.9 metres and would be flush with the front of the dwelling. The proposed extension would be constructed from brick with a tile roof. A driveway to the front of the dwelling would be retained.

Relevant Planning History

Adjacent site

58040 - Two storey extension at side and rear at 20 First Avenue, Tottington. Refused - 4 December 2014

58716 - Two storey extension at side and rear (resubmission) at 20 First Avenue, Tottington. Approved with conditions - 9 July 2015

Publicity

The neighbouring properties were notified by means of a letter on 11 December 2023. There has been no response.

Statutory/Non-Statutory Consultations

Not required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
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 on the side of the dwelling and would be constructed from brick with a tile roof, which would be acceptable. The proposed extension is would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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 be flush with the front of the existing dwelling, which would be 1.8 metres in front of No. 20 First Avenue. The proposed extension would not cross the 45 degree line from the window to No. 20 and as such, would be acceptable.
- The proposed extension would not project past the rear of No. 20 First Avenue.
- There are 2 obscure glazed windows in the gable elevation of No. 20 First Avenue. However, these are not habitable room windows and the proposed extension would be acceptable.
- The only opening on the side elevation would be a door, which would relate to a utility room, which is not habitable and would not impact upon the privacy of the adjacent occupiers.
- There would be 22.8 metres between the front of the proposed extension and No. 7 First Avenue, which would be in excess of the aspect standard.
- There would be 39 metres between the proposed extension and No. 134 Market Street, which would be in excess of the aspect standard.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and 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 Location plan, ZT23-196-01, ZT23-196-02, ZT23-196-03, ZT23-196-04 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 08/01/2023			