

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 27/06/2022

Ref:68401/FUL

Registration: 04/05/2022

LDfC: 07/06/2022

Expiry Date: 29/06/2022

Site Visit: 19/05/2022

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 extension at rear

Location: 305 Walmersley Road, Bury, BL9 6NX

Description

The application relates to a two-storey semi-detached house on the A56. To the rear is a detached garage and Victorian coal shed at rear albeit both in generally poor condition. Also at the rear is a flight of steps down to the basement via external access. The attached neighbour is as originally built except for a small rear porch, while the neighbour on the other side is a single storey convenience store separated by a small lane which appears to be delivery access for the shop.

Planning permission is sought for a single-storey rear extension that would project out 3.0m (replacing the external basement steps) and have a monopitch roof (height 4.16m) including three skylights and one long kitchen window. Materials would match existing except for the roof being constructed with concrete instead of slate. There are no new side windows proposed except for a side patio door that would overlook the rear of the adjacent shop.

There would be a separation of 7.1m to the rear boundary, although there is no new boundary treatment proposed.

It should be noted that there is a side porch currently under construction, recently approved Oct 2021.

Relevant Planning History

67414 - Single storey side extension; Rebuilding of boundary wall - Approved Oct 2021

68041 - Non material amendment following approval of planning permission 67414- To amend the design to include two small/minor single windows with obscure glazing on the side elevation of the porch for a non-habitable room - Approved Feb 2022

Publicity

Immediate neighbours notified by letter dated 16/05/2022 sent to 3 (three) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions -

N/A

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments

the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, the proposed extension would be generally in-keeping with the existing house. Situated at the rear, the proposed extension would not be readily visible from the public arena, although its scale is considered to be appropriate for this property. Materials would generally match existing except for the concrete roof. The proposed kitchen extension would have the same floor level as the main house although the patio door entrance there would be steps at 63cm high above garden level.

In terms of design, and appearance, the proposed extension would be generally out of character with the existing Victorian dwelling-house due to its overtly modern appearance, the poor window fenestration, and lack of architectural features such as stone lintels that could have complemented the Victorian style of the building. However, this property is not listed or on a conservation area, and the proposed development would normally be permitted development, with the exception of the proposed roof height of 4.16m.

Therefore, on balance it is considered that the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there are no new habitable windows proposed,
- There are no new side windows proposed except for the patio door set 4.5m from the side boundary and which would overlook the rear of the adjacent shop
- In terms of the general prominence and impact on daylight the proposed single storey extension would be set to the west of the main house and is to the south of No.307. The proposed extension would have some impact on part of that neighbours rear garden around midday, but any overshadowing would not be seriously excessive above and beyond the existing situation.
- The loss of access to the basement via external stairs is considered acceptable given a separate staircase is available within the property.
- There would remain sufficient outdoor amenity space at the rear.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation / recent approved planning permission as mentioned above.

Conclusion

In consideration of the above, although potential design improvements would be preferable the location of the development plus its design being close to permitted development means it is considered that the proposed development would be acceptable in terms of the scale, and siting, of this development. 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 drawing 02/22/19 (1 of 2) and 02/22/19 (2 of 2) as submitted on 04/05/2022 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 plus concrete roof tiles as outlined in drawings submitted on 04/05/2022.
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>
SGR	23/6/22	DM	27/6/22