

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 05/11/2020 | <b>Ref:</b> 65916/FUL          |
| <b>Registration:</b> 14/09/2020 | <b>LDFC:</b> 05/10/2020           | <b>Expiry Date:</b> 09/11/2020 |
| <b>Site Visit:</b> 28/10/2020   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension

**Location:** 3 Garden Street, Summerseat, Bury, BL9 5PQ

**Description**

The application relates to a two storey mid-terraced house on a row of similar properties. To the west, fronting Thorn Street is a row of terraced houses whilst to the east is Garden Street and extended gardens. The house has not been extended but has a small detached shed in the rear garden. The attached house at No.2 garden Street has a single storey rear extension and most of the properties, including No.3, have off-street parking to the rear, off Thorn Street.

The site is residential in character but washed over by the Green Belt and is a designated Special Landscape Area and River Valley. The site is not within the conservation area which lies to the south.

It is proposed to remove the existing shed and add a brick-built single storey extension to the rear. It would project out 3m and run across the width of the rear elevation. The roof would be slate and mono-pitched to a height of 3.3m.

**Relevant Planning History**

N/A

**Publicity**

Immediate neighbours notified by letter dated 14/09/2020. No objections received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions - N/A**

**Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| OL1/2 | New Buildings in the Green Belt                             |
| OL5/2 | Development in River Valleys                                |
| EN6/4 | Wildlife Links and Corridors                                |
| EN9/1 | Special Landscape Areas                                     |
| 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 and Green Belt** - The extension would be modest in scale and in keeping with the existing house. In extending out 3m with a height of 3.3m would be permitted development in any case. The proposed extension is considered acceptable in terms of the streetscape, the nearby conservation area and wider Green Belt/Special Landscape Area and would comply with UDP policies listed and guidance in SPD6.

**Residential Amenity** - The attached neighbour at No.2 has a single storey extension and the neighbour on the other side (No.4) has a door closest to the shared side boundary. The extension in projecting out 3m, would not have a seriously detrimental impact on neighbour amenity. Complies with UDP policy H2/3 and guidance on extensions.

**Parking** - Parking would not be made worse. Indeed the demolition of the existing shed would allow a further space to be created off-site. The proposal is acceptable and complies with UDP Policy H2/3 in relation to parking.

**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 1 - 3 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> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 05/11/2020  | DM                      | 05/11/2020  |