

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 26/01/2022

Ref:67713/FUL

Registration: 08/11/2021

LDFC:

Expiry Date: 03/01/2022

Site Visit: 19/11/2021

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 rear extension

Location: 62 East Street, Bury, BL9 0RX

Description

The application relates to a two-storey terraced house on a residential street of similar properties, with no outriggers in the original design. Both attached neighbours have an existing single storey rear extension and the neighbour on the north side also has a dormer extension. The front is well presented (albeit with no private outdoor amenity space), but the rear is characterized by poor visual appearance in generally in poor condition and poor maintenance, plus there is a preponderance of numerous rear single storey extensions and outbuildings with no real consistency throughout the area.

There is a back yard surrounded by brick walls approximately 1.8m high (therefore providing total privacy from the public arena) plus a roller shutter garage door although the constraints of the site suggest it is generally impractical to use as a parking space. The surrounding locality is predominantly a residential area located on the fringe of the town centre.

Planning permission is sought for a single-storey extension that would occupy the full width of the site curtilage and project out 6.0m from the original building line and have a flat roof with rooflight. Materials would match existing and accommodate a diner at ground floor. There would be a separation of 4.3m to the rear boundary.

Relevant Planning History

62583 - Single storey extension at rear - Approved with Conditions 09/04/2018

58212 - Single storey extension at rear - Approved with Conditions 07/01/2015

Publicity

Immediate neighbours notified by letter dated 09/11/2021 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
Area	Heywood Street/Spring Street
BY11	
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.

Principle of Use – The dwelling is within the boundary of UDP Policy BY11 area Heywood Street/ Spring Street which precedence to maintaining the residential use of the area.

Visual amenity - In terms of design and appearance the extension is of an appropriate size and scale in relation to the existing house. Situated at the rear, the extension would not be readily visible from the public arena. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, proposed rear window would not directly overlook any neighbouring properties and is considered to be acceptable and complies with adopted guidance in SPD6. The existing 1.8m high wall around all 3 sides of the rear yard would further reduce the impact on the residents to the rear.

The extension does not technically meet SPD6 with regards to the '45-degree rule' because the position of the extension is within the line of the '45-degree' line as measured from the neighbours rear primary ground floor window. However, both side of the applicant's back yard already have a tall brick wall (approx. 1.8m high) and therefore there is no overall change in impact on views or natural light to either neighbour.

In terms of the general prominence and impact on daylight the single storey extension is set off the shared side boundaries and is to the west of the main house. As such any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension layout would result in the existing (rear) kitchen having no direct sunlight. Although this is not ideal the kitchen itself is a non-habitable room and therefore of less weight, while the proposal would positively result in sunlight within the new dining room as proposed.

Highways - The proposal would not affect the existing site access or parking arrangements above and beyond the recent approved planning permission as mentioned above.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. The proposal design would be an overall improvement on the current rear appearance of the property 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 drawings submitted on 08/11/2021 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

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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 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>
Steven Gunn-Russell	26/01/2022	DM	27/01/2022