

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/04/2023	Ref: 69177/FUL
Registration: 13/12/2022	LDFC: 03/04/2023	Expiry Date: 07/02/2023
Site Visit: 29/03/2023	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 rear extension and porch at front

Location: 71 Hunstanton Drive, Bury, BL8 1XH

Description

The property is a two storey detached house with garden and drive to the front. It has been extended at first floor at the front and side and to the rear with a conservatory. The two storey section to the front includes a garage at ground floor and which is attached to the garage to the adjacent No.69. To the opposite side No.73 is extended single storey at the rear. To the rear the site has a fence garden and borders the rear garden to 6 & 8 Retford Close.

The application includes a front porch 1.2m deep and 2.1m across. To the rear the conservatory would be removed and a single storey extension 2.9m deep would extend across the full width of the property extending the kitchen and lounge.

Relevant Planning History

68936 - Lawful development certificate for proposed removal of conservatory and construction of a single storey lean-to and porch - Withdrawn by Applicant 24/11/2022

31854 - First floor extension to front and side - AC 15/03/96.

Publicity

Surrounding neighbours were notified on 15/12/2022. A further 14 day letter was sent 20/03/23 regarding the revised roof design at the rear and the letter to No.69 noting the completion of Certificate B. Notice No.1 was served on them 14/11/22. No responses have been received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

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. 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 Design - The proposed porch would be an infill sitting beneath the existing front canopy and be of a brick construction. To the rear the single storey would have a monopitch roof with roof lights, doors to the rear and a window to the east side. Materials are noted on the form and plans to be brick and roof tiles. For the avoidance of doubt a standard matching condition is added.

Parking - The proposal would not affect the existing parking arrangements.

Residential Amenity -No.69 has its garage closest to the boundary with the site. The proposed extension would not project more than 3m from its main rear elevation.

To the opposite side No.73 is extended single storey at the rear and the proposed extension would come to be around level. The proposal would have one window to the side elevation to No.73. There is a gap and fencing screening between the properties and therefore there would be no issues regarding loss of privacy.

The porch would be located under the existing canopy to the centre of the front elevation.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 001, 002, 003, 004, 006, 010, 011, 012, 013, 101, 103, 104, 106, 110, 111, 112, 113 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 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>
JL	04/04/23	HL	04/4/23