

DELEGATED REPORT

Report by Jane Langan	Date of report: 22/11/2022	Ref: 68862/FUL
Registration: 07/09/2022	LDfC: 21/10/2022	Expiry Date: 02/11/2022
Site Visit: 26/10/2022	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 extension at rear with raised patio, glazed ballustrade and steps to garden level.

Location: 2 Bridgefield Mews, Bridgefield Drive, Bury, BL9 7PE

Description

The property is a two storey detached house. The rear elevation of the house has two areas of decking leading out from patio doors down to the rear garden. The neighbouring property to the east side is No.3 and is extended with a conservatory at the rear. To the opposite side No.1 has a single storey extension. The rear boundary of the site is fenced and borders the top of a cul de sac, Greengate Close, and part of the front drives to Nos.15 & 16 which are located either side of the road.

The application proposes a single storey extension to the east side of the rear elevation of the property. It would project 4.1m deep for 3.3m across. To the opposite side a wall would project out 4m deep and 3.8m high with the area between forming a raised patio area 0.9m high with glazed balustrades. The plans note the rear may be covered with an awning.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 single storey would have a flat roof with lantern light. Doors would be to the side opening on to the patio area where the wall to the opposite side would link the raised area and have glazed balustrades along the rear. Materials for the extension walls are noted only as brick therefore a standard condition is added.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposal would not affect the existing parking arrangements at the front.

Residential amenity - Both adjacent neighbouring properties are extended single storey at the rear and the proposed extension and wall would not project past the rear elevation of either. Both have windows to the side elevation, No.3 to its conservatory and No.1 high level ones to its extension. The proposed extension would be blank wall to No.3 and the proposed blank wall would be to the side to No.1. Whilst the development will have some impact on light to the side windows of these neighbouring properties the principle windows

to the main aspects would not be affected and SPD6 affords limited weight to side windows.

The raised patio area would be screened from the properties to the side as it would sit between the extension and new wall. It would not be to any significant raised level at 0.9m high and the rear boundary of the site is fenced. Beyond the fencing is the top of the road at Greengate Close and part of the front drives to Nos.15 & 16 to either side of the road.

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 22-03-01 01, 22-03-01 02, 22-03-01 03 Rev A, 22-03-01 04, 22-03-01 05 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 brickwork for the proposal hereby approved shall match that 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	22/11/22		