

DELEGATED REPORT

Report by Mo Warsame	Date of report: 13/03/2025	Ref: 71403/FUL
Registration: 21/01/2025	LDfC: 13/02/2025	Expiry Date: 18/03/2025
Site Visit: 26/02/2025	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side/rear; Front porch

Location: 27 Audlum Court, Bury, BL9 7PN

Description

The application site is a two storey end terrace house built in red brick and rendered white to the first floor. There is no parking on site but there is on street parking available. There is an existing single storey side and rear extension. There is a rear garden which also has a brick wall adjacent to a public footpath at the rear and hedge along the boundary with number 25 Audlum, Court. Number 25 has a small conservatory adjacent to the boundary with projecting 3 metres the nearest property at the rear does not have any windows in the side elevation facing site.

The proposal is for a two storey extension to the side and rear above the existing single storey extension.

The proposed extension does not directly face any other property but the extension will be approximately 10 metres from the side of the property to the rear, however there are no windows in the side elevation of this house. The two storey rear element would be 7.80 metres from the side boundary of No.10 Audlum Court.

The two storey side element will project 1.54 metres to the side boundary wall which will be retained and will project 4 metres beyond the principal rear elevation at first floor level above the existing single storey extension. The development would have a pitched roof and utilise the use of some matching materials.

Note, this is a resubmission of approved application 60667 with the same description. However, there are few minor external and internal alterations, such windows and internal layout.

Relevant Planning History

51395 - SINGLE STOREY EXTENSION AT SIDE/REAR - Approve with Conditions
02/07/2009

56464 - Single storey rear extension - Prior Approval Not required 18/07/2013

60667 - Two storey extensions to side and rear - Approve with Conditions 30/11/2016

16/0438 - Large outbuilding in rear garden - 24/10/2016

Publicity

Neighbour letters sent on 22/01/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

This area is made up of small clusters of terraced properties which are all of a similar design and there are currently no other properties that have been extended. Due to the siting, size and design the proposed extensions would not appear intrusive in the street scene as half brick half render finish and retention of the boundary wall will break up visually the gable end of the property as such would not be visually detrimental to the street scene. The first floor side element of the proposal although extending out to the boundary would be above the existing single storey extension also extending up to the boundary but would be acceptable as it is relatively small at 1.50 metres in comparison to the existing property and as the street scene is characterised by small terraced clusters again would not be visually detrimental to the street scene. The applicant also proposes to use materials that will match the existing house. The design of the proposal is considered acceptable in this location.

With regards to the above the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations and the guidance in Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed extension will be two storey and will not have any windows directly facing any other dwellinghouse. The part of the extension along the boundary with No.25 will project 2.50 metres, the neighbours conservatory will project 3 metres along the boundary. The rest of the proposed two storey rear extension 2 metres away from the boundary would project 1 metre beyond the neighbours conservatory. As such the proposal would comply with the 45 degree line rule. By virtue of the size and siting of the proposal and the orientation of the dwellinghouse in relation to the rising and setting of the sun the proposal would not block out sunlight or be an overbearing or over shadowing structure in relation the conservatory or garden of No.25 and as such there would no serious detriment to the residential amenity of the occupiers.

As such the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 SHT 2 of 2 (Revised) 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	13/03/2025	DM	14/03/25