

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 23/07/2024 | <b>Ref:</b> 70767/FUL          |
| <b>Registration:</b> 17/05/2024 | <b>LDfC:</b> 19/06/2024           | <b>Expiry Date:</b> 12/07/2024 |
| <b>Site Visit:</b> 14/06/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <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:** Two storey side extension and demolition of existing porch and construction of new double storey porch

**Location:** Moor House, 42 Cockey Moor Road, Bury, BL8 2HB

### **Description**

The application relates to a large detached house on a residential road of similar large houses along a ribbon of development between Bury and Ainsworth. Attached garage and second garage/outbuilding setback from the front on the east side with a conservatory on the west side.

The nearest neighbour on the east side has a gable on the shared boundary with the site which includes a ground floor office and secondary kitchen window and a first floor bathroom window. There is a 2m fence around the site with some small silver birch trees on the boundary with No.40 Cockey Moor Road.

The proposal involves extending to the east side of the house, out towards the boundary with No.40 Cockey Moor Road and back, over the footprint of the existing outbuilding in the form of a single storey outrigger with a pitched roof.

### **Relevant Planning History**

45389 - single storey extension at rear with roof terrace above; dormer windows to front & rear - Approved 01/12/2005

70391 - Erection of 2.1m high wall/fence at rear - Approved 12/03/2024

70768 - Lawful development certificate for proposed construction of side and rear extensions - Lawful Development

### **Publicity**

Immediate neighbours notified by letter dated 28/05/2024. One objection received by neighbour and summarised below:

Development will significantly impact the natural light entering neighbour at No.40. The proposed extension will block natural light to the side window of an office, the upstairs bathroom window, and the side window of the kitchen dining area. Further reduction in natural light would be detrimental.

We believe it falls within the 45-degree line from the nearest rear window on both floors. The proposed extension will make our living space feel claustrophobic and block our garden.

### **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 |
| OL1/2 | New Buildings in the Green Belt                             |
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |

## **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.

**Green belt** - The original house volume is 1337m<sup>3</sup> of which 175m<sup>3</sup> would be demolished. The proposed volume would be 512m<sup>3</sup>. Taking the demolished volume into consideration, the net additional volume would be 336m<sup>3</sup>. This equates to an increase of approximately 25%.

In terms of green belt policy, the proposed increase is considered to be acceptable and complies with guidance within the NPPF and UDP Policy OL1/2 and associated guidance in documents SPD6 and SPD8 relating to extensions and green belt.

**Visual amenity** - In design terms, the extensions are considered to be in keeping with the existing house and would not appear incongruous within the streetscape. The rear extension would be on a similar footprint to the existing garage/outbuilding and the side extension would appear as ancillary to the main house and would not impact significantly on visual amenity. The finishing materials would match the main house. The proposal would be acceptable and comply with UDP Policy and guidance in terms of visual amenity.

**Residential amenity** - The existing windows on the side of the immediate neighbour at No.40 are not primary habitable room windows and cannot be afforded significant weight in any assessment. The rear extension is not excessive in size and scale and with the roof pitched away from the neighbour, complies with UDP Policy H2/3 and guidance note SPD6 in relation to the impact on neighbour amenity.

**Objection** - The issues raised by the objector have been addressed in the above report. It is not considered that the proposal would have such a significant and detrimental impact on the neighbour to warrant refusal.

#### **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 PL-001P1, 002P1, 003P1, 004P1, 005P1, PL101/P2, PL102/P2, PL103/P2, PL105/P2, PL106/P2, PL108/P2 and PL109/P2 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          | 23/07/2024  | DM -                    | 24/07/2024  |