

DELEGATED REPORT

Report by Amanda

Date of report: 03/09/2024

Ref:70928/FUL

Uhunmwagho

Registration: 16/07/2024

LDFC: 07/08/2024

Expiry Date: 10/09/2024

Site Visit: 09/08/2024

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: Two storey/single storey rear extension

Location: 18 Greywood Avenue, Bury, BL9 7QY

Description

The proposal relates to a two storey terrace property at the end of a short row of four dwellings. There is a small front garden and private garden to the rear. At the front of the site there is on street parking only. Directly to the rear of the site are allotments.

The proposal is to build a single/two storey rear extension. It would project 4m from the existing rear elevation and it would measure 5.15m wide, The two storey element would be built to the south side of the extension. It would project a maximum of 4m and 3.47m wide. The rear corner would be chamfered at a 45° angle.

Relevant Planning History

N/A

Publicity

3 neighbours notified on 17/07/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy - No comments received.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be built with materials and a design that would be considered to be in keeping with the existing building and as it would be to the rear of the dwelling it would not be openly visible in the public realm.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- At ground floor level the extension would project 4m directly adjacent to the shared boundary with no.16 next door and there would be no windows in the side elevation

adjacent. As the neighbour has not objected to the proposal the 4m projection along the shared boundary would be acceptable in terms of the Larger Homes Scheme.

- The proposed first floor extension would be set away from the shared boundary with no.16 and as the rear corner would be chamfered the 45° rule would be satisfied with regards to its impact on residential amenity at the rear of no.16.
- The two storey extension would be around 1.7m away from the shared boundary with no.20, unattached to the south and it would project around 1.7m past the rear elevation of this property. As the site is due north of no.20 and the extension would be built well away from the shared boundary there would be no significant detrimental impact on residential amenity, including the path of sun light to the rear of no.20 Greywood Avenue.
- There would be no windows to the side elevation facing no.20 next door.
- There would be around 5.6m from the rear of the two storey extension to the rear boundary. Normally a distance of at least 7m from a first floor habitable room to a boundary would be expected in order to retain privacy levels between residential properties and gardens. However, as there are allotments directly to the rear of the site there would be no concerns regards loss of privacy to another property/garden and in this instance the lesser distance to the rear boundary would be considered to be acceptable.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front of the site.

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 drawing numbered RAD/3089/24/1/Rev C received on 03/09/2024 as modified by the email from RA Design and Project Management Ltd dated 03/09/2024. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

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- 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>
AU - 03/09/2024		DM 03/09/24	