

DELEGATED REPORT

Report by Amanda

Date of report: 04/12/2020

Ref:66088/FUL

Uhunmwagho

Registration: 19/10/2020

LDfC: 12/11/2020

Expiry Date: 14/12/2020

Site Visit: 01/12/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side & raising of existing garage roof to same height of proposed extension

Location: 116 Moorside Road, Tottington, Bury, BL8 3HR

Description

The application relates to a semi-detached dormer style property which has been previously extended and there is a garage to the rear.

The proposal is to build a single storey side extension in front of the existing garage. The roof would be flat and the existing garage roof would be raised in height so it would match the new roof. The existing garage measures 6.15m long and the extension would project 6.1m in front. The height of the existing garage is circa 2.4m and the height of the proposed building would be 2.84m.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 29/10/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing
H2/3 Extensions and Alterations

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.

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

Visual Amenity -

The proposed extension would be built with materials that would match the existing property and a design that would be acceptable in this location.

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 -

Properties to the front of the site would be a sufficient distance from the extension that it would not cause any detrimental impact on those properties in terms of residential amenity. As the extension would be to the front of the existing garage there would be no impact on properties to the rear but it is noted that the garage is a good distance from the boundary as well.

As the extension would be on the west side of the property there would be no impact on residential amenity at no.118, attached.

No.114, unattached to the west is a similar style property which has a higher ground level to

that on site. With this in mind and that the extension would be built within the existing boundary wall there would be no seriously detrimental impact on residential amenity at this property.

At the front of the extension the drive length remaining would be 4.9m according to the plans. Although SPD 6 states that a drive length of at least 5m would normally be expected Moorside Road is not a main road and as such a drive length of 4.9m would be acceptable in this instance.

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.

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 048 (01) 001 Revision B, 048 (01) 002 Revision B, 048 (01) 003 Revision B, 048 (02) 004 Revision B, 048 (02) 005 Revision B, 048 (02) 006 Revision B, 048 904) 011 Revision B, 048 (04) 012 Revision B, 048 (04) 013 Revision B, 048 (04) 014 Revision B, 048 (05) 015 Revision B, 048 (05) 016 Revision B, 048 (07) 020 Revision A and 048 (07) 021 Revision A 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 - 04/12/2020.		DM	08/12/20