

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/02/2023	Ref: 69278/FUL
Registration: 25/01/2023	LDfC: 23/02/2023	Expiry Date: 22/03/2023
Site Visit: 08/02/2023	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 rear extension

Location: 20 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DE

Description

The property is a mid stone terrace. It has a garden to the front and there is no off street parking. To the rear is a narrow back access lane along the row and the properties sit at a lower level. The site has a yard with steps down and a store which forms part of the rear boundary wall. There is a conservatory across part of the rear elevation of the house. The adjoining neighbour to the north side is No.22. A stone boundary wall separates and this property has a back door closest at ground floor. To the opposite side No.18 is separated by a brick wall, the first section is the same height as the site conservatory. This property has a ground floor window closest then a back door. Beyond the back lane the land is at a higher level and there are no properties to the rear.

The application proposes to remove the conservatory and store and construct a single storey extension. It would extend the full length of the boundary with No.18 and be 2m across at the end. To the opposite side to No.22 the extension would be set approximately 0.6m in from the boundary and be 3.1m in deep. It would then run for 1.6m across to link to the deeper section. The extension would form a kitchen and wc.

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 extension would be flat roofed with a lantern light and the walls finished in white render.

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 site has no off street parking and there is no scope to create any.

Residential amenity - The proposed extension would run along the full length of the boundary with No.18. As existing this is the area where the site has its conservatory then a gap of approximately 1.1m then the store. The conservatory is lower in height at 2.5m and the proposed extension would be 3.1m. As an extension this would not be overlarge and it would be located to the north side of the yard to No.18. As such it would not cause any significant loss of light or over shadowing.

No.22 to the opposite side has its door closest to the site then its main window. To this side

the proposed extension would project only 3.1m deep and be set approximately 0.6m in from the boundary. SPD6 deems 3m as acceptable and as such the proposal would be only 0.1m deeper mitigated by the set in.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The site outside amenity space would be less however it is not considered that it would be reduced to such a level that would give grounds for refusal.

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 MH1-00, MH1-01, MH1-02, MH1-03, MH1-04 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	28/02/23	DM	01/03/23