

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/10/2023	Ref: 69965/FUL
Registration: 24/08/2023	LDFC: 22/09/2023	Expiry Date: 19/10/2023
Site Visit: 19/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear

Location: 34 Irwell Street, Bury, BL9 0HE

Description

The application relates to a two storey mid-terraced house on a residential road of similar styled properties.

The property is in the process of being extended at the rear following the approval of a lawful development certificate for a single storey mono-pitched extension.

This proposal seeks planning permission for a similar mono-pitched extension at the rear with an additional single storey extension between it and the shared side boundary with No.32 Irwell Street. Given the existing part built structure, it is the intention to retain the existing brickwork.

The mono-pitched extension projects out 4.8m from the two storey outrigger on the rear elevation to the rear boundary with the back access road. The proposed plans are inaccurate and indicate the extension stopping just behind the existing boundary wall. The mono-pitched roof would extend from the eaves to the highest point (3.8m) on the shared boundary with No.36 Irwell Street. The plans indicate this at a height of 3.7m.

The flat roof single storey extension would extend out 3.6m from the rear elevation along the shared boundary with No.32 Irwell Street. There would be a central roof light on the flat roof. The flat roof would have a maximum height of 2.9m (not including the rooflight). This is just over 1m above the existing boundary wall between these properties.

Relevant Planning History

68857 - Prior approval for proposed single storey rear extension - Prior Approval Required & Granted - Ext 11/11/2022

23/0149 - Not being built in accordance with prior approval 68857 -

Publicity

Immediate neighbours notified by letter dated 01/09/2023. Objection received on behalf of the attached neighbour at No.32 Irwell Street. Summarised as follows:

- Increased sense of enclosure to No.32 Irwell Street, in particular impacting on outlook from rear ground floor window by creating a tunnel effect.
- Overdevelopment of the plot and lack of any useable amenity space.
- Incongruity with surrounding built form. The brick finish is not in keeping with the existing dwelling.
- Inadequate plans.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design

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.

Lawful Development approval (LDC) - The LDC 68857 was approved in November last year. The building works have now surpassed any proposals relating to the LDC and as

such any decision is based on what is proposed by this application.

Visual amenity - The extensions are sizeable in relation to the small rear yard and with a poor brick match would appear rather incongruous on the existing property and within the wider backland area. The proposal is not considered appropriate and would be contrary to UDP policy H2/3 and guidance in SPD6.

Residential amenity - The single storey rear extension that projects out 3.6m along the shared side boundary with No.32 Irwell Street would have a flat roof to a maximum height of 2.9m, 1m above the side boundary wall. There is a lounge window on the rear of No.32 adjacent to the side boundary and the impact of the extension on this window would be significant, particularly as it would sit in a 'tunnel of brickwork' between the extension and the existing outrigger at the rear. The extension along the boundary would have a significant and detrimental impact on the outlook from the neighbour's lounge window and this would be contrary to UDP Policy H2/3 and guidance in SPD6.

Plans - The plans do not appear to reflect what is currently built. The rear extension appears larger than the plan suggests. There is a difference in fenestration although this is minor and not material to the assessment.

Certificate A has been signed although the rear wall of the extension ties in with the rear boundary wall of the neighbour at No.36 Irwell Street.

Objection - The objections on behalf of the neighbour have been taken into consideration and reflect the reasons for refusal where relevant.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would be detrimental to the amenities of the adjacent property (No.32 Irwell Street) by reason of its height, size and position along the shared side boundary. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed development would, by reason of its finishing and appearance be an incongruous feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design, H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 3 The application and submitted plans contain insufficient and contradictory

information with regard to the size and design of the extension. The proposal is therefore contrary to UDP Policy H2/3 Alterations and Extensions and associated 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>
TB	11/10/23	DM	11/10/23