

DELEGATED REPORT

Report by Helen

Date of report: 09/10/2020

Ref:65941/FUL

Goldsbrough

Registration: 14/09/2020

LDfC: 07/10/2020

Expiry Date: 09/11/2020

Site Visit: 24/09/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of existing garage, and erection of single storey extension at side / rear

Location: 281 Ainsworth Road, Bury, BL8 2LS

Description

The application relates to a semi-detached dwelling house located on Ainsworth Road. The premises has parking to the front, with an attached garage at the side. The premises has an existing single storey extension and an area of private amenity space to the rear.

Planning permission is sought to remove the existing garage and to construct a single storey side and rear extension. The proposed extension would project approximately 2575mm to the side of the original dwelling and approximately 4060mm from the principal rear elevation of the dwelling.

Relevant Planning History

None

Publicity

Neighbour letters sent 16/09/2020. 1 comment received from No. 283 in relation to:

- No objection to the actual building work but would like a clause added to make sure the garage at 283 is made good following works due to shared single wall between garages.

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 victimization;

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

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.

There are a number of side additions to properties within the row and as such it is considered that the proposed side extension is acceptable in principle. The side extension would have a lean to style roof when viewed from the front. The flat roof of the proposed rear extension would be visible at a distance, but this view is limited and as such would not have a detrimental impact on the character of the street scene.

The proposed extension is considered to be of a suitable scale and massing and would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space. The proposed windows are considered to be suitably aligned and the use of render would replicate the materials used in the first floor front elevation of the dwelling.

It is therefore considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Proposed side extension would be located adjacent to the existing side garage, and side gable of No. 283. The location of the side extension is therefore considered to be acceptable.
- No. 283 has an existing single storey rear extension. The proposed extension would project approximately 2.4 metres beyond this rear extension. As the projection is less than 3 metres the proposed rear extension is considered to comply with guidance.
- No. 279 has an existing single storey rear extension. The proposed extension would project approximately 2.4 metres beyond this rear extension. As the projection is less than 3 metres the proposed rear extension is considered to comply with guidance.
- Windows proposed facing towards no. 283 would relate to a non-habitable rooms (WC and kitchen) , or would be a secondary window to a habitable room (dining area) and would all be high level. As such these windows are considered to be acceptable.
- Proposed rear bifolding doors would be screened by the existing rear boundary treatments.
- Proposed side glazing facing towards the boundary of No. 279 would be a secondary window, and would be screened by the existing boundary treatments and would therefore be acceptable.
- Proposed front window would not project any further forward than the existing window arrangement and would be separated from any future development on the land facing the site by a highway.
- Parking for 2 vehicles retained on site. This is considered to be acceptable as the property is within walking distance of local amenities.

Response to Neighbours

The Party Wall Act, and private issues between neighbours are non-material planning considerations not relevant to the decision.

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 T001-1001 P3 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>
Helen Goldsbrough	09/10/2020	DM	03/11/2020