

Description

The property is a detached house of individual design. It has a two storey section with a sloping roof and a flat roofed section with rooflights. Along the front the property is mostly screened by a boundary wall, gates and planting. There a garden and parking to the front and garden to the rear. The neighbouring property to the south side is 5 Hamilton Road, a detached bungalow. To the opposite side the site borders the rear gardens to town houses at 1-7 Hamilton Mews. The rear site boundary borders the rear garden to 49 Prestwich Park Road South.

The application proposes the installation of 21 solar panels in 5 lengths to the flat roof section of the property. They would be black panels with silver frames and positioned at a 10 degree pitch. The existing roof lights would be retained.

Relevant Planning History

51419 - Single storey extension at front; Alterations to existing walls, windows and doors;

New boundary treatment and gates - AC 20/07/2009

53150 - Single storey extension at rear - AC 19/10/2010

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

<SQLDCPolicyComRep>

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 - UDP Policy EN4/1 encourages proposals for renewable energy provided that they do not involve an unacceptable loss of amenity through visual intrusion or noise

The proposed solar panels would be located on the single storey section of the property which is flat roofed. They would be positioned at a 10 degree pitch projecting minimally above the flat roof and lower than the existing roof lights. With the frontage mostly screened by the boundary wall, gates and planting the proposed panels would not be readily visible or be an intrusive feature in the street.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Residential amenity - The proposed solar panels would not be in close enough proximity to impact on the amenity of any adjacent neighbouring properties.

The proposal would then comply with the UDP Policies listed as above.