

DELEGATED REPORT

Report by Mo Warsame	Date of report: 18/05/2023	Ref: 69502/LDCP
Registration: 27/03/2023	LDfC:	Expiry Date: 22/05/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed single storey rear elevation extension including internal alterations and improvements

Location: 36 Thurston Close, Bury, BL9 8NW

Description

Lawful Development Certificate for a single storey rear extension including internal alterations and improvements to a semi-detached dwellinghouse.

Relevant Planning History

None.

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

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.

Analysis

The dwelling is not listed nor is it in a Conservation Area.

There is no enforcement, and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development rights have not been removed.

Single storey rear extension

- The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.
- The proposal would not extend beyond the rear wall of the original dwelling by more than three metres.
- The overall height of the proposal would not exceed four metres and the height to the eaves would not exceed three metres.
- The rear extension would have rooflights and the development would utilise the use of some matching materials
- The proposed rear extension would have no proposed side windows. Conversely, the proposal includes the removal of existing first floor rear window and the formation of new ground floor side window. However, this would not be from a habitable room and as highlighted on the proposed plans this window would be obscure glazed.

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Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse as required by condition A.3(a) of Article 3 Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) (as amended) Order 2015.
- 3 The proposed ground floor side window subject to this application shall remain obscure glazed up to 1.7m.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	18/05/2023	HL	18/05/23