

DELEGATED REPORT

Report by Mo Warsame	Date of report: 04/04/2024	Ref: 70431/FUL
Registration: 09/02/2024	LDFC: 01/03/2024	Expiry Date: 05/04/2024
Site Visit: 15/03/2024	Site Notice: N/A	Press Date: N/A
10:00:00		
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 and a access ramp

Location: 106 Heywood Street, Bury, BL9 7DY

Description

A mid-terraced two storey brick and slate dwelling with original single storey rear outrigger projecting 4.7m with a height of 3.7m to its ridge. Small garden area at the front and yard area to the rear. The attached property No.104 Heywood Street has identical original single storey rear outrigger sharing a party wall with the application dwelling. The attached property on the opposite side is No.108 and there is a back street beyond the rear site boundary.

Planning permission is sought for the erection of a single storey rear extension and along with an access ramp. The proposed single storey extension would project 6m to the rear and 3.2m to the side. This would equate to 0.6m extension beyond the principal side extension. The development would accommodate a kitchen extension, a new wet room and include the installation of a low access ramp to the rear. The proposed development would have a pitched roof and would be constructed using matching materials.

Relevant Planning History

None relevant.

Publicity

Neighbour letters sent on 9 February 2024. No objections received.

Statutory/Non-Statutory Consultations

United Utilities - No comments received.

Pre-start Conditions

N/A

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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. The proposed development would be located at the rear of the property.

As the extension would be built on the rear of the property it would not have any impact on the street scene at the front at all. Though, the proposed extension would be visible from the back Street. However, there are several properties with similar single storey extensions within this street. Furthermore, the proposed extension would be built with materials and a design that would complement the existing dwelling. The design of the proposal is therefore considered to be in keeping with the existing building. The proposed ramp would project slightly above the ground and so would not be visible from the adjacent rear gardens.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and

Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

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

- In terms of overlooking and privacy, there would be two proposed side windows. However, none of the windows would be from a habitable rooms and the distance to the shared boundary would be considered sufficient. Moreover, the existing high fencing would shade the proposed windows from the garden of the adjacent property. (No.108)
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 6 metres along the shared boundary would be considered acceptable in this instance.
- There would remain an acceptable amount of outdoor private amenity space for the storage of bins.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.
- It is also noted that the extension would be used by a disabled person living at the property.
- With regards to the ramp this would be a relatively low structure and would not have any seriously detrimental effect on residential amenity in this area.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding 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 Sheet 1, Sheet 2, Sheet 3, Sheet 4 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.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and 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>
MW	04/04/2024	DM	04/04/2024