

DELEGATED REPORT

Report by Amanda

Date of report: 20/12/2021

Ref:67719/FUL

Uhunmwagho

Registration: 26/10/2021

LDfC: 01/12/2021

Expiry Date: 21/12/2021

Site Visit: 10/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 1 Vale Avenue, Bury, BL9 9LW

Description

The application relates to a previously extended two storey semi-detached house. At the front of the site the land is paved for on site parking and to the rear there is a garden area with fences to all boundaries. The patio area immediately to the rear of the property is at the same level as the dwelling with the garden area raised. There is an existing two/single storey extension on the rear of the house.

The proposal is to add a single storey extension to the rear of the property. It would project 3300mm from the existing rear elevation and would extend across the whole width of the property. It would have a flat roof with two roof lanterns.

Relevant Planning History

57194 - Two storey extension at side/rear and single storey/first floor extension at rear - Approve with Conditions 14/03/2014

58707 - Two storey extension at side/rear and single storey/first floor extension at rear - Approve with Conditions 25/06/2015

Publicity

Immediate neighbours notified on 11/11/2021 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

As the extension would be built on the rear of the dwelling it would not be visible in the general street scene along Vale Avenue. It would be built with materials and a style that would be considered acceptable on this property and in this location.

Given that the site appears slightly lower to properties to the north and east of the site the extension would not be openly visible from these directions and as its height would be approximately 2608mm to the roof level it would only be partially visible above the boundary fence with no.3 Vale Avenue, attached to the south.

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 -

- There are no residential dwellings to the rear of site. It is a car park belonging to the White Boar Hotel.
- As the extension would be built at a lower land level to properties on Radcliffe Road to the north and there is a garage/out building directly adjacent to the shared boundary at 143 Radcliffe Road there would be no significant detrimental effect on residential amenity at this property.
- No.3 Vale Avenue, next door has a single storey extension on the rear of the property. The extension would project around 5.8m past the rear elevation of this extension. Under the Larger Homes Scheme rules and taking into account that this neighbour has not objected to the proposal the proposed projection would be acceptable in this instance.
- The extension would be due north of no.3 next door so light to the rear of this property and its rear garden is possibly already overshadowed by the existing property on site later in the day. However, as the extension would have a flat roof light to the rear of no.3 would not be significantly affected by the proposed development.
- Certificate A has been signed and the plans show that the extension would be built wholly within the site with no encroachment to either adjacent neighbour.

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 drawing numbered SHT 1 of 2 received on 27/10/2021 and revised proposed drawing numbered SHT 2 of 2 revision A received on 20/12/2021 as modified by the email from I.Planning services dated 20/12/2021. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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

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Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 20/12/2021		DM	20/12/2021