

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/04/2022	Ref: 68142/FUL
Registration: 25/02/2022	LDfC: 30/03/2022	Expiry Date: 22/04/2022
Site Visit: 04/04/2022	Site Notice: N/A	Press Date: N/A
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 extension at rear; Single storey extension at side/front and raised decking area at rear.

Location: 5 Standring Avenue, Bury, BL8 2DT

Description

The property is a bay fronted semi detached house located on a cul de sac. It has a garden and drive to the front and an attached garage at the side. To the rear it has a single storey across part of the elevation from which a patio leads out with steps down to a garden at a lower level. The adjoining property is No.7 and has patio doors to the party wall side and fencing along the shared boundary. To the opposite side No.3 is extended single storey at the side to the rear end of its side elevation. Fencing extends along the boundary with the site patio and then hedges screen the gardens. To the rear the site borders the rear garden to 582 & 584 Bolton Road.

The application includes a single storey extension at the side across to the boundary and 7.5m along the side and with a canopy extending to the rear elevation. To the front it would project approximately 0.4m from the front elevation as a bin store and 0.7m as a porch both extending to a total of 5m across. The side extension would form a bin store, utility and gym. To the rear the existing 2.3m deep single storey would be extended across to the party wall side to extend the kitchen/dining room. From the single storey extension at the rear a patio would lead out for 1.8m where there would then be a 1.3m deep area of timber decking with steps down to the garden and a glazed balustrade. The patio/decking would be 1.1m high and the fencing along the boundary with the adjoining No.7 extended out at the same height as existing to the end of the decking.

Relevant Planning History

None.

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

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 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 and design - The proposed extension to the front would not project excessively and the roof would be hipped then extend around and along the side and with roof lights. A glazed canopy with a supporting post would cover the area up to the rear elevation. To the rear the single storey would have a monopitch roof with roof lights and patio doors. Materials for the extensions would be roof tiles and brickwork to match.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The front extension has been set back to the front of the garage in order to retain a 5m length drive and the garage with a roller shutter

type door. Conditions are added for both to be retained as such. The plans also note the addition of a further parking space to be added with the removal of part of the front wall. This would require the approval from highways for an extended drop kerb and therefore an informative is added. Materials for the extended parking area are noted as permeable.

Residential amenity - in relation to the adjoining No.7 the proposed single storey at 2.3m deep would project less than the 3m SPD6 deems acceptable. The side elevation would be blank wall. The patio and decking would provide level access out from the rear extension with steps down to the garden at a lower level. With the fencing extended along the same as existing there would be no significant change in privacy levels than as existing. To the opposite side to No. 3 the proposed side extension would run along the blank side elevation to No.3 which is itself extended at the side towards the rear. The proposed patio would be to the same level as the existing and the extended decking would run to the side of the hedges that screen. Certificate B has been completed in respect of encroachment to both adjacent properties.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 SP04, SP05, SP06, E01, E02, E03 Revision A, E04, L01, L02 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 A minimum hardstanding of 5m measured between the highway boundary and the doors to the bin store shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 The bin store shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the satisfaction of the Local Planning Authority and shall thereafter be maintained.

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Reason. To enable a vehicle to stand clear of the highway whilst the doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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>
JL	21/04/22	DM	21/04/2022