

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 12/09/2022	Ref: 68679/FUL
Registration: 18/07/2022	LDFC: 09/09/2022	Expiry Date: 12/09/2022
Site Visit:	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: Replacement of conservatory with single storey rear extension

Location: 9 Somerset Drive, Bury, BL9 9DG

Description

The proposal relates to a suburban semi-detached dwelling positioned on the inside of the junction between Somerset Drive and Hereford Drive. It has had a single/two storey side and rear extension and there is a further conservatory extension off the back of this.

The proposal is for a single storey extension as a replacement for the existing conservatory. It would project 5.3m x 3.7m x 3.5m high to ridge. It would have a hipped end and would be completed in matching brick and tiles. It would have windows to the rear and west elevation only.

Relevant Planning History

46395 - TWO STOREY EXTENSION AT SIDE & REAR; CONSERVATORY AT REAR; FRONT PORCH - Refused 14/07/2006

47165 - TWO STOREY EXTENSION AT SIDE & REAR; CONSERVATORY AT REAR; FRONT PORCH - Approve with Conditions 30/11/2006

50539 - TWO STOREY EXTENSION AT SIDE AND REAR; SINGLE STOREY EXTENSION AT REAR; CONSERVATORY AT REAR; FRONT PORCH - Approve with Conditions 28/10/2008

Publicity

Direct neighbour notification has been undertaken. No representations have been received.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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.

ASSESSMENT

Visual amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that complements 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 extension would be around 0.8m longer than the existing conservatory and would appropriately reflect and complement the existing scale, form, proportions and materials of the existing 'refreshed' host dwelling.

It would not therefore have any unacceptable impacts on visual amenity or the street scene and would therefore be compliant with the above policy and the SPD.

Residential amenity

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

The rear garden is enclosed by 2m hedgerows and fencing.

Given these circumstances, the single storey side extension would comply with the requirements of SPD 6 and would not therefore have any unacceptable impacts upon neighbouring amenity.

Other matters

Whilst the property is located in a Coal Mining Referral Area, given the densely built up nature of the site and surroundings, coal mining legacy is unlikely to be an issue.

Conclusion

The proposed extensions would not have any unacceptable impacts upon visual or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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:

- 2 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.
- 3 This decision relates to the drawings
Location & Block Plan (SHT 1 of 3)
Proposed Floor Plans and Elevations (SHT 3 of 3) (Dwg no. IPS/R/09/BL99DG)
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.
- 4 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> DSC	<u>Date</u> 12/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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