

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 13/01/2022

Ref:67678/FUL

Registration: 22/11/2021

LDfC: 16/12/2021

Expiry Date: 17/01/2022

Site Visit: 25/11/2021

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: 363 Rochdale Road, Pimhole, Bury, BL9 7DB

Description

The application relates to a two-storey terraced house on the A58 with many similar properties in the area. The property has an existing small single-storey kitchen extension at the rear. The attached neighbours both have a single storey extension at the rear. The front is well presented but the rear is characterized by poor visual appearance in generally in poor condition and poor maintenance, plus there is a preponderance of numerous rear single storey extensions and outbuildings with no real consistency throughout the area. Boundaries at the rear entirely enclose the rear yard with brick walls approximately 2m high and thus provide total privacy from the public arena.

Planning permission is sought for a single storey extension that would project out 5.0m plus a small outrigger for a toilet and have a monopitch roof extending from the main house. Materials would include single ply roof and walls cream rendered. There would be French doors and a small window opening out to the small yard at the rear with two skylights in the roof to provide access to natural sunlight.

Excluding the toilet outrigger there would be a separation of 2.1m to the rear boundary which has a 2m high brick wall.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 24/11/2021 sent to 3 (three) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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 - In terms of design and appearance the extension is generally out of keeping with the existing house. However, situated at the rear, the extension would not be readily visible from the public arena and although similar extensions are evident in the locality, this proposal would nevertheless provide an improvement on the current situation. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 2.0m separation distance to the rear boundary from the extension is considered to be small but acceptable and provides a minimum rear amenity space for bins while the front garden still provides adequate private outdoor amenity space within the curtilage. As such it is considered that the proposal complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension does not technically meet SPD6 with regards to the '45-degree rule' because the position of the extension is within the line of the '45-degree' line as measured from the neighbours rear primary ground floor window. However, both side of the applicant's back yard already have a tall brick wall (approx. 2m high) and therefore there is no overall change in impact on views or natural light to either neighbour.

In terms of the general prominence and impact on daylight the single storey extension is set off the shared side boundaries and is to the north of the main house. As such any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension layout would result in the existing (rear) dining room having no direct sunlight. Although this is not ideal the design for the kitchen extension incorporates two skylights close to the dining/kitchen double width doorway which will provide some mitigation.

Highways - The property is a terraced house with no on-site parking provision at the front or rear, and although this is a typical characteristic of this type of property there is some resident parking available on the highway and side streets. It is therefore considered that there is no impact on the existing parking situation.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design of this development. The proposal design would be an overall improvement on the current appearance of the property while private enmity space is still available at the front. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 21047-02 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.

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- 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>
Steven Gunn-Russell	13/01/2022		