

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/06/2024	Ref: 70657/FUL
Registration: 17/04/2024	LDFC: 05/06/2024	Expiry Date: 12/06/2024
Site Visit: 07/05/2024	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: Two storey side extension

Location: 45 Chestnut Avenue, Bury, BL9 7QW

Description

The application relates to a two storey red brick, semi-detached house on a residential road of similar styled houses. Driveway to front and side. The attached house has not been extended and the unattached house to the north (No.47) has the front door and a ground floor window (kitchen) on the side facing the site and a concrete shed on the shared side boundary.

It is proposed to add a two storey extension to the side/rear of the house. It would be set back halfway down the side elevation and project out 3m to the side boundary with No.47, leaving a footway access to the rear garden. The extension would allow two additional bedrooms with windows facing front and rear. The extension would be finished in red brick to match the house and the roof would be hipped and tiled to match.

Relevant Planning History

70538 - Two storey extension at rear - Withdrawn by Applicant 27/03/2024

Publicity

Immediate neighbours notified by letter dated 22/04/2024. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - The proposed extension would be in keeping with the design and scale of the existing house and, set back about 4m from the front elevation, would not appear prominent within the streetscape. Finished in brick and tile to match the existing house, the proposal would be acceptable and complies with UDP Policy H2/3 and guidance within SPD6.

Residential amenity - The nearest neighbour is the unattached property to the north which is set at an angle to the site. Given the relationship to the neighbour, the proposal does not raise any serious residential amenity issues. The window on the side elevation of No.47 appears to be a kitchen and on the side and does not face directly onto the extension and therefore cannot be given significant weight. Whilst the extension may increase overshadowing into the rear garden of No.47, this would not be so significant as to warrant refusal. It is noted that there are no objections from neighbours.

In terms of residential amenity, the proposal is acceptable and complies with UDP Policy and guidance.

Parking - The extension would be at the rear of the existing driveway but there would still be room to park a vehicle clear of the highway. Complies with UDP Policy H2/3 and

guidance in this respect.

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 CA-06-01-24, 02 and 03 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	11/06/2024	DM -	12/06/2024