

DELEGATED REPORT

Report by Jane Langan	Date of report: 03/05/2022	Ref: 68202/FUL
Registration: 14/03/2022	LDFC: 16/04/2022	Expiry Date: 09/05/2022
Site Visit: 11/04/2022	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: Two storey extension at rear and first floor extension at side

Location: 36 Church Meadow, Bury, BL9 8JF

Description

The property is a two storey detached house located at the top of a cul de sac. It has a small garden to the front and a drive at the side which leads to an attached garage. To the rear is a fenced garden and there are no properties directly at the rear. To the south side is No.34 a detached house extended with a conservatory at the rear. To the opposite side No.38 is a two storey detached house which has an attached garage at the side.

The application proposes to extend at first floor above the garage. To the rear a two storey extension would come out 3.37m for the full width of the property. The garage would be converted to a tool storage room and a utility and to the rear a lounge and dining room. At first floor would be two extended bedrooms and an additional one.

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 first floor extension would be built to within 0.93m of the side boundary. With a set back of 1.4m from the adjacent front wall and with the main frontage further forward terracing would not be an issue.

The proposed first floor extension would have a pitched roof forming a side gable wall. To the rear the two storey would also form a rear gable with a dual pitched roof. Materials would be to match the existing house.

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 increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces.

The site as existing has a drive at the front for parking of 2 cars and which would not be affected by the proposal. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient

Residential amenity - The proposed first floor would run adjacent the side elevation to No.34 which has one obscure window at first floor. Where the proposal would project two storey at the rear it would not encroach a 45 degree line from the mid point of the closest first floor window to the rear elevation of No.34. The ground floor of this neighbouring property is extended with a conservatory. The side walls of the extension would be blank other than a utility room window added to the ground floor of the converted garage. This

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would face on to the blank ground floor side wall of No.34.

To the opposite side No.38 has its attached garage closest and to this side the proposal would also comply with the 45 degree rule with regard to the closest habitable room windows.

There are no properties directly to the rear.

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 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 the drawings received on 14/03/22 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	03/05/22		