

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/06/2025	Ref: 71855/FUL
Registration: 29/04/2025	LDfC: 22/05/2025	Expiry Date: 24/06/2025
Site Visit: 27/05/2025	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage & erection of new garage

Location: 20 Cliff Road, Bury, BL9 9SP

Description

The retrospective application relates to a two storey house fronting onto Cliff Road which is also serves as a rear access to houses on Lawrence street to the south. The road is a cul-de-sac and is part 'un-made' with no formal footway. Three houses fronting Lawrence street have single garages with access onto Cliff Road on its south side. The attached bungalow at No.22 Cliff Road has a parking/ driveway fronting cliff Road and No.24 has a single garage with access to the road at the end. There are industrial premises to the west side, across Chelsea Street.

The garage has been moved from the front/side garden area where a new outbuilding has been erected under planning reference 71597. The garage originally has its door opening onto the driveway which exited the site onto Chelsea Street to west side.

The relocated garage now sits in the south east corner of the front garden with an up-and-over garage door fronting onto Cliff Road. The garage would have a footprint measuring 6.1m by 3.8m. It would have a shallow pitched roof to a max height of 2.65m. Constructed in brick/concrete panels with a tiles roof and up-and-over garage door.

Relevant Planning History

65286 - Single storey side extension; Pitched roof over existing extension - Approve with Conditions 29/04/2020

71597 - Demolish existing garage building; Erection of out building in front garden - Approve with Conditions 26/03/2025

Publicity

Immediate neighbours notified by letter dated 01/05/2025. Two objections received. Concerns summarised below:

- The new garage exceeds the legal height of 2.5 meters and is positioned within 1 metre of my property boundary, which I believe may not comply with planning regulations.
- The garage is located in front of their property and is fully visible from the front of my property.
- This structures height is obstructing sunlight to my home, which is affecting the natural light in my living spaces and front garden.
- The new garage is facing directly onto Cliff road, which reduces the parking available for my property and guests. This is a concern as there is limited parking space in the area as employees and visitors to the nearby Indigo Restaurant and 2 car garages take up all the space on cliff road. In the new planning permission submitted it states there is no new vehicle access from the public highway or altered pedestrian access which is false, hedges have also been removed to carry out the work.
- The materials used in the construction of the garage do not appear to meet fire safety standards, given the close proximity to my property, which raises significant concerns

- regarding fire hazards.
- The overbearing nature of the garage may result in a decrease in the value of my home, which I am understandably concerned about.
- The guttering on the new garage is facing to run alongside my fence, which could lead to water runoff that may cause damage to my building, fencing and the wooden base of my decking area.
- Like a previous application this submission states no hedges will be removed. Along the road boundary at the front of the garage and now a pedestrian footpath have been cleared.
- No trees adjacent to the construction is false.
- They claim no additional vehicular access is required the garage now opens on to Cliff Road having originally opened in the applicants garden.
- They claim no additional pedestrian access despite works to the contrary.
- The new location means negotiating a street lamp on the boundary line with neighbours (not marked on plans).
- These works like previous permission are having detrimental impact on neighbours as land on Chelsea Street has been used for materials storage displacing parking by employees at the local car dealerships.
- They also claim existing parking will not be affected which is untrue as they will want access to swing in to and out of the garage.
- The applicant seems to have a grand design they seek to implement by stealth.

Statutory/Non-Statutory Consultations

Traffic team - Recommends refusal due to insufficient information and vehicle/pedestrian conflict.

Pre-start Conditions - N/A

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), 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 garage is relatively modest in scale but is situated within the front garden, directly in front of the house, immediately adjacent to the boundary with Cliff Road and the shared side boundary with No.22 appears incongruous. Viewed from the western end of Cliff Street the site would be partially screened by the existing boundary hedge but it is viewed from the front and from the east side, above the shared side boundary fence with No.22 Cliff Road.

Although there are garages on the south side of Cliff Road, the proposal would constitute an incongruous feature along the frontage on the north side, which has a more open character. The retention of the garage would therefore have a seriously detrimental impact on the character of the streetscape along this part of Cliff Road and would be contrary to UDP Policy H2/3 and associated guidance relating to extensions and alterations.

Residential amenity - Given the location and scale of the garage, the impact on neighbour amenity would not be so significant as to warrant refusal of planning permission. The garage would be viewed above the side boundary fence but would not have such a significant impact on outlook and light levels from No.22 Cliff Road. The impact on neighbours to the south, across Cliff Road is negligible. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Access and Parking - The new garage opens directly onto Cliff Road which is unadopted and has no formal footpath. The proposed access arrangements indicated on the submitted plans are sub-standard, which would lead to conflicts between vehicles reversing from the garage and pedestrians on the shared access that serves other properties on Cliff Road, to the detriment of road and pedestrian safety. A streetlight is situated on the road to the side of the garage door but this should not impact on access or public safety.

The opening from the garage does mean about one less space for parking on the road but this is not considered to be significant and would not warrant a reason to refuse planning permission.

DELEGATED REPORT

Although the red edged site does not include the unadopted road and no evidence has been submitted to confirm that the applicant has permission to use Cliff Road for access.

In terms of access, the proposal is considered to be unacceptable and contrary to UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Trees and hedge - A small tree and a short section of boundary hedging has been removed to accommodate the garage. Neither are protected and could be removed without any permission.

Drainage - The garage has guttering to prevent run-off onto the neighbours driveway.

Objections - The material planning issues raised have been addressed in the above report. Other non-material issues cannot be considered within any assessment. The reduction in value of property is not a material consideration in itself.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The retention of the garage in this location would be detrimental to the visual amenities of the streetscape along this side of Cliff Road. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed access arrangements indicated on the submitted plans are sub-standard, which would lead to conflicts between vehicles reversing from the garage and pedestrians on the shared access that serves other properties on Cliff Road, to the detriment of road and pedestrian safety. The proposal is therefore unacceptable and contrary to UDP Policy H2/3 and associated guidance in SPD6 relating to Extensions and Alterations.
- 3 The application and submitted plans contain insufficient information to ensure that the applicant can secure the new vehicular access to the site from Cliff Road as indicated on the submitted plans. The proposal is therefore unacceptable and contrary to UDP Policy H2/3 and associated guidance in SPD6 relating to Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/06/2025	DM	23/6/25