

DELEGATED REPORT

Report by Mo Warsame	Date of report: 04/09/2024	Ref: 70840/FUL
Registration: 10/06/2024	LDfC: 08/07/2024	Expiry Date: 05/08/2024
Site Visit: 13/09/2024	Site Notice: N/A	Press Date: N/A
17:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at rear (including basement level)

Location: 68 Gigg Lane, Bury, BL9 9HU

Description

Semi-detached bay fronted property on a row of like properties. Faring is a row of terrace properties over 20m away to the front. The house is raised from the ground level to the rear and there is a slopping rear garden with high wooden fence (see photos). There is an existing single storey extension to the side. The attached property is No.70 Gigg Lane and No.66 is located on the opposite side.

The applicant proposes to build a two-storey extension at the rear, to form a basement level on the lower ground and single storey extension on the ground floor. The extension would project 2.95 metres on both levels to align with the existing extension to the side. The development would accommodate kitchen/diner on the ground floor and a garden room on the basement level. The extension would have a pitched roof and would be contracted using matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No formal objections received. However, one comment has been raised.

One representation has been received that raising a concern regarding structural movement in their home resulting from the works that have already been undertaken.

Statutory/Non-Statutory Consultations

N/A

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed basement would not have any impact on visual amenity given that it would be at a modest scale and below ground level. Furthermore, it is located on a sloping site and there are no properties directly to the rear beyond the site. The proposed upper-level floor of the two -storey extension would have simple design and would appear a modest single extension due to its context. Overall, the two-storey rear extension would not be visible from the existing street scene at the front at all and it would be built with materials and a

design that would compliment the existing house. The design of the proposal is therefore considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

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

- Properties to the front of the site would be over 20m away, the proposed extension would be entirely built to rear and as such, it would not be visible from the front.
- There would be a sufficient distance to the rear boundary and no properties beyond.
- The basement element would be shaded by the existing high fencing as it would be below ground floor level.
- Given its context and modest projection of 2.95m, the upper-level element of the proposed two storey extension would be considered acceptable. Following the application of the 45 degree rule, there would also be no detriment impact.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential.

Parking

The proposal will result in no additional bedroom and there will be no changes to site access, or parking. The parking at its current condition meets the maximum parking requirements.

Response to representation

The comments received relates to non-planning matter. Furthermore, Building Control has been informed.

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 10/06/2024 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 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>
MW	04/09/2024	DM	05/09/24