

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 24/01/2024	Ref: 70294/FUL
Registration: 29/11/2023	LDfC: 29/12/2023	Expiry Date: 24/01/2024
Site Visit: 04/01/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension; Front porch

Location: 29 Canning Street, Bury, BL9 5AS

Description

The proposal relates to a traditional mid-terraced dwelling in a well-established residential area north of Bury town centre. Many neighbouring dwellings have been bastardised in some manner by the addition of rear extensions of varying scales, forms and finishes. The subject property has not been extended.

The proposal is for a single storey rear extension and front porch comprising:

- Flat roof single storey extension rear extension that would project 4.5m x 4.5m wide (set in 200mm from the boundary on each side) x 2.7m above ground level. It would have blank side elevations.
- Front porch with lean-to roof over the front door that would be 2m wide x 2.9m above ground level and 1.3m projection.

The proposed extensions would be finished in red brick and natural slate/GRP roof finish.

Relevant Planning History

None applicable.

Publicity

Direct neighbour notification undertaken. No representations received.

Statutory/Non-Statutory Consultations

N/A

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

ASSESSMENT

Visual amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that complements the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

As noted, many dwellings in the locality have been extended by the addition of rear extensions of varying scales and designs. The rear elevation backs onto a rear alley way. The front porch would be of a relatively minor scale and would have a pitched roof. Both extensions would be finished in matching materials.

In this context, the proposed extensions would be of a scale, form, proportions, design and materials to assimilate appropriately with the existing dwelling and surrounding street scene and would not have any adverse impacts upon visual amenity.

Residential amenity

The rear extension would fall within the maximum applicable permitted development thresholds and no neighbours have objected to the proposal. Given this fall back position, no concerns are raised.

The front porch would be a minor feature, projecting only 1.3m from the principal elevation and enclosing only the front door.

Conclusion

The proposed extensions would not have any unacceptable impacts upon visual or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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
 Location and Block Plan (SHT 1 of 3)
 Proposed Floor Plans and Elevations (SHT 3 of 3)
 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.
- 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> DSC	<u>Date</u> 24/01/2024	<u>Sign off Officer</u>	<u>Date</u>
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