

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/01/2024	Ref: 70206/FUL
Registration: 07/11/2023	LDFC: 01/12/2023	Expiry Date: 02/01/2024
Site Visit: 24/11/2023	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage and erection of single storey side extension

Location: 9 Dalton Close, Ramsbottom, Bury, BL0 9SG

Description

Semi-detached dwelling situated on a residential street with similar properties. The adjoining /linked property is No. 7 Dallon Close and No. 11 Dallon Close is located on the opposite side. There are no property to the rear of the site and the houses to the front are over 20m away.

Planning permission is sought for the erection of a single storey side extension following the demolition of existing garage. The proposed single storey extension would be on the same footprint of the existing garage and such would be tucked in between the application property and the attached neighbouring house. The extension accommodate a utility room along with a snug. The development would have a pitched roof, utilise the use of matching materials and would project beyond the principal front and rear elevations.

Relevant Planning History

70205 - Lawful development certificate for proposed single storey rear extension

Publicity

Neighbour letters sent. One objection received.

Objection

The comment concerns the loss of title of their property from detached/ linked to semi-detached following the demolition of the existing and the construction of the proposed development.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

Design and 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 character of this part of the street scene is of two storey properties linked by single storey flat roof garages. This provides spacing in between the properties and offers views to the trees and open land at the rear.

The eaves height of the proposed extension would be just below the first-floor windowsill with the main ridge of the roof rising up the side gable of the neighbouring property. This

would be slightly higher than the other extensions within this street. However, given the different types of materials that would be used for the walling underneath the proposed window along with the installation a recessed panel, it would not appear incongruous nor detract from the existing dwelling. This would enable the front elevation of the extension to appear more proportionate and in keeping with the host property. As such, the proposal would be acceptable in terms of visual amenity and therefore comply with UDP Policy H2/3 and SPD6.

Residential Amenity

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

Given the modest size and position of the extension in relation to the original dwelling and neighbours, there are no residential amenity issues arising from the proposal. As such the proposal is acceptable and complies with UDP Policy H2/3 and guidance in relation to residential amenity.

Parking

The proposal will result in no additional bedrooms and there will be no changes to site access or parking. The current parking conditions meets the maximum parking requirements.

Response to objection(s)

The concerning comment is a separate matter and non-planning related. Therefore, it would have no impact on this application. There would need to be agreement under The Party Wall Act in relation to works on the boundary.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Dwg. no. 01, Dwg. no. 02, Dwg. no. 03, Dwg. no. 04 Rev: A 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>
MW	30/01/2024		

