

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/01/2024	Ref: 70348/FUL
Registration: 19/12/2023	LDfC: 14/01/2024	Expiry Date: 13/02/2024
Site Visit:	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: Single storey side/rear extension

Location: 35 Brookside Crescent, Tottington, Bury, BL8 4BG

Description

This property is a two-storey semi-detached house with gardens to the front and rear and detached garage to the side. The property has an existing conservatory to the rear. Other houses in the immediate area are of a similar appearance. The adjacent neighbouring properties are No.33 Brookside Crescent (attached) and No.37 Brookside Crescent on the opposite side. There would be no properties to the rear of the site and the properties to the front would be over 20 metres away.

Planning Permission is sought for a single storey side/rear extension. The proposal would accommodate a new open plan kitchen/diner along with a separate boot room. The extension would project 4 metres to the rear, 2.35 metres to the side and would have a splayed corner on the side near the shared site boundary with the attached dwelling (No.33). The proposed development would have pitched roof on the side elevation and flat roof with rooflight on rear elevation. The proposal would also utilise the use of matching materials.

Relevant Planning History

08/0127 - CONSERVATORY BEING BUILT LESS THAN 1 METRE FROM NEIGHBOURS
BOUNDARY - 22/04/2008
16/0237 - Untidy property - 28/06/2016

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
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.

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.

Situated to the side and rear, the development would be partially visible from the street scene. However, the extension would be of a simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would extend 2.35m to the side, 4 metres to the rear and would have a splayed corner on the side near the shared site boundary with the attached property (No.33). Moreover, the development would

be constructed with matching materials. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies EN1/2, H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

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

- In terms of overlooking and privacy, there would be no new windows proposed on either side of the extension and the distance to the rear boundary is considered sufficient. Furthermore, there are no properties beyond the rear boundary.
- The SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4 metres with splayed corner along the shared boundary would be considered acceptable in this instance.
- In terms of the general prominence and impact on daylight the proposed extension is slightly set off from the shared side boundary and would be to the north-east of No 33. and any overshadowing would not be seriously excessive above and beyond the existing situation. Additionally the existing scrubs on either side would further shade the extension from the adjacent properties.
- There would remain an acceptable amount of outdoor private amenity space.
- As there would be no increase to the number of bedrooms at the property therefore, the existing parking arrangements would be considered acceptable.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 19/12/2023 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	30/01/2024		