

Description

The application property is a two storey semi-detached house fronting on to Bury Old Road, with Albert Avenue to the side. There are garden areas to three sides with a double detached garage to the rear and drive for two vehicles accessible from Albert Avenue. To the front of the site there is a short fence along the shared boundary with the attached neighbour and a low brick wall along the front and side boundaries, part of which has metal railings on top. There is also a 1.8m high fence along the southern boundary.

The proposal is to demolish the existing outbuilding and replace it with a new outbuilding measuring 5.5m x 5.3m with a pitched roof.

In addition to the above the applicant also intends to build a new wall along the front and side boundaries with railings on top as well as a new 1m high brick wall along the shared boundary with no.33 next door. Along the front and southern side the wall would measure 1m high with 500mm railings on top. Pedestrian gates (wrought iron), would be installed to the front corner of the site as well as one to the rear of the site close to the vehicular access, which would also have wrought iron gates. The 1.7m high fence would remain along the rear boundary with no.141 Albert Avenue.

Relevant Planning History

12/0292 - High fence - 01/06/2012

Publicity

Neighbours notified on 15/06/2023 - One neighbour objected advising that they felt the roof of the outbuilding would block light to their property and they feel a flat roof would be a better alternative. They also advised that they feel the walls of the outbuilding should be where the existing garage is and walls shouldn't be moved back as it would affect their light.

Following discussions a revised drawing was received and the objector was notified by email on 18/08/2023. No further comments or objections have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection. Condition and informatives suggested.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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. 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

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

The new outbuilding would be smaller than the existing garage on site and it would be set back further away from the highway in front. With this in mind, and that it would be built with a design and materials that would be considered to be in keeping with the existing building the structure would be considered acceptable in this location.

The proposed wall with railings would be similar to other walls in the area.

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 -

- The outbuilding would be built along the shared boundary with no.141 Albert Avenue. As this property has a garage positioned on the shared boundary and the only window to the side elevation is a first floor landing window the outbuilding would not have any significant detrimental effect on residential amenity at this property.
- The outbuilding would measure 5.5m along the shared boundary with no.33 Bury Old Road, attached to the north of the application dwelling. As the building would be to the

south of the neighbouring rear garden there would be some detrimental impact on light to that area. However, the building would be smaller than the existing garage on site. As such the impact of the outbuilding on the no.33 Bury Old Road next door wouldn't be much different to what it is now.

- To the south of the site there are commercial properties on the opposite side of Albert Avenue only.
- There would be around 6.9m of drive length to the front of the outbuilding which would ensure that two vehicles could still be parked within the site.
- The new boundary wall with railings would be set well back from the junction of Albert Avenue and Bury Old Road. As such it would not cause any significant detrimental harm to passing vehicles and pedestrians.
- The gates to the site would open inwards on to the site. As such they would not cause any obstruction to passing pedestrians.

Taking the above into account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive at the rear of the site. There are also no parking restrictions in the area and the site is very close to public transport routes.

Response to neighbour objection -

The neighbour objection was received via email, but no address was specified. The neighbour was asked twice for their contact details, but have never confirmed a particular address.

As the objector has not confirmed their address it is not clear whereabouts their property lies in comparison to the site. However, the two residential properties which could be affected by the development are 33 Bury Old Road and 141 Albert Avenue. The development has been assessed in the report above, with both these properties in mind.