

DELEGATED REPORT

Report by Amanda

Date of report: 12/10/2023

Ref:70026/FUL

Uhunmwagho

Registration: 22/08/2023

LDfC: 25/09/2023

Expiry Date: 17/10/2023

Site Visit: 27/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 12 Westgate Avenue, Ramsbottom, Bury, BL0 9SS

Description

The application relates to a two storey semi-detached house which has been extended to the rear. Access to the rear garden is via a path to the side of the property and there is no existing on site parking. At the rear there is a long garden with fences to all boundaries and planting throughout the garden. Both adjacent properties have been extended to the rear.

The proposal is to add a conservatory on the rear of the existing single storey extension. It would project 3m and would measure 4m wide. The frame would be a dark upvc frame with glazing to all sides. The roof would have a slight slope down from the existing flat roof extension.

Relevant Planning History

N/A

Publicity

Five neighbours notified on 01/09/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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 conservatory would be built on the rear elevation. As such it would not be visible in the public realm along Westgate Avenue.

The conservatory would be built with materials and a design that would be considered common in terms of this type of structure. It wouldn't appear out of keeping in the immediate area. As such the design of the proposal is considered acceptable in this location.

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 -

- There would be over 15m from the rear of the conservatory to the rear boundary.

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- The conservatory would project around 1.8m beyond the rear elevation of the extension at no.10 Westgate Avenue nextdoor.
- The whole side elevation adjacent to the shared boundary with no.10 would be obscurely glazed in order to retain privacy levels between the two properties and gardens. A condition would be added to the decision advising that this side elevation should remain obscurely glazed and have unopenable windows below a height of 1.7m (as measured from the internal floor level), to ensure privacy is maintained in the future.
- No.14 Westgate Avenue to the west has a two storey side extension and a single storey extension on the rear. To the rear elevation there is a utility room door closest to the site boundary, with a kitchen window further over. Land at no.14 also appears slightly higher to that on site.
- The drawing shows that all of the conservatory would be built within the site boundaries.

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 in terms of separation distance to the surrounding properties and the conservatory's projection passed the rear elevation of both adjacent buildings.

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 highway in front of the site.

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 drawing numbered PCE-Roscoe-August-23-Planning received on 09/10/2023 as modified by the email from PCE Designs Ltd dated 09/10/2023. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the conservatory hereby approved shall be a upvc frame with glazing to all elevations as shown on the revised drawing received on 09/10/2023.
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

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Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 Before the first occupation of the conservatory hereby permitted the windows on the side elevation adjacent to the shared boundary with no.10 Westgate Avenue shall be fitted with obscured glazing and be unopenable up to a height of 1.7m from floor level and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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>
AU - 12/10/2023		DM 16/10/23	