

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/04/2023	Ref: 69343/FUL
Registration: 10/02/2023	LDFC:	Expiry Date: 07/04/2023
Site Visit: 17/03/2023	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front/side/rear extension with extended decking at rear

Location: 21 Fieldhead Avenue, Bury, BL8 2LX

Description

The property is a two-storey detached house with gardens to the front and rear of the main dwelling. There is a double garage to the side of the house and the existing driveway.

Planning permission is sought for a wrap-around single storey front, side and rear extension along with a new decking area to the rear. The development would project 4000mm to the rear, 2250mm to the side and 534mm front to align with the existing front elevation. The proposal would accommodate a storeroom, toilet, utility, pantry, and open-plan kitchen/family area. The rear element of the extensions would flat roof, whilst the front and side elements would have pitched roofs.

Relevant Planning History

None.

Publicity

Neighbour letters set on 20/02/2023. No objections received.

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. 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.

The proposed single storey wrap-round extension would be of a simple and unobtrusive design and would not detract from the character of the dwelling. The proposed decking area to the rear of the existing property would also be considered suitably in scale. Overall, the proposed development would match some existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

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 habitable windows proposed in either side of the extension and there would be sufficient distance to the

rear boundary.

- 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 with the adjoining No. 23 Fieldhead Avenue would be considered acceptable in this instance. Furthermore, the proposed extension would have a sufficient setback from the property at No. 19 Fieldhead Avenue.
- The proposed front extension would be modest in scale and not project beyond the existing front elevation.
- The decking platform would not be raised beyond the principle rear elevation, to align with the proposed rear extension. Furthermore, the high 1.8 metre fencing on either side of the property would shade the platform from the adjacent properties. Therefore, the decking platform would not have any detrimental impact on the residential amenity of the neighbouring 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 the existing parking arrangements would be considered acceptable.

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 numbered P01, P02, P03, P04, P05, P06 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	05/04/2023	HL	05/4/23