

DELEGATED REPORT

Report by Helen Leach	Date of report: 18/08/2022	Ref: 68469/FUL
Registration: 28/07/2022	LDfC: 18/08/2022	Expiry Date: 22/09/2022
Site Visit: 08/08/2022	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: Erection of canopy at front and render/stone cladding to front elevation and boundary wall at front

Location: 5 Brookfield Road, Bury, BL9 5LA

Description

The site relates to a two storey dwelling located on Brookfield Road. The dwelling is two storeys in height with a central pike detail and is constructed from red brick with a tile roof. There is a large driveway to the front and gardens at the rear.

The site is bounded by residential properties.

The proposed development involves the erection of a canopy at ground floor level across the front of the dwelling and render/cladding to the front elevation and the boundary wall to the front. The canopy would be constructed from tiles to match the roof.

Relevant Planning History

63945 - First floor extension at rear, single storey extensions at rear and formation of 2 no. roof terraces at rear; Front porch and re-roof at 5 Brookfield Road, Bury. Approved with conditions - 14 May 2019.

Publicity

The neighbouring properties were notified by means of a letter on 28 July 2022. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL5/2	Development in River Valleys

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 - 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.

There are a variety of building materials visible within the immediate street scene, including render, tile hung frontages, and facing brickwork. The property is currently brickwork, which has become damaged. Taking into consideration the varied materials within the residential estate, the use of cladding to the central pike detail of the dwelling and the front boundary wall is considered to be acceptable.

The proposed addition of a canopy would add visual interest and would be acceptable.

It is therefore considered that the proposed extension would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and therefore complies with UDP Policy H2/3 and SPD 6.

Residential amenity - The proposed development would project a maximum of 1.15 metres from the front of the dwelling and would not provide any additional openings. The proposed canopy would not impact upon the 45 degree line when drawn from the habitable

room windows of the adjacent residential properties.

There would be 14.4 metres between the proposed canopy and No. 6 Brookfield Road, which would be acceptable.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan.

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 Location plan, Existing site plan, Proposed site plan, Revision 1 - page 2, Revision 1 - page 3, Revision 1 - page 5, Revision 1 - page 6, Revision 1 - page 7, Revision 1 - page 9, Revision 1 - page 10, Revision 1 - page 11 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>
HL - 18/08/2022			