

DELEGATED REPORT

Report by Helen

Date of report: 14/10/2020

Ref:65880/FUL

Goldsbrough

Registration: 26/08/2020

LDfC: 28/09/2020

Expiry Date: 21/10/2020

Site Visit: 18/09/2020

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: MIOT

Proposal: Single storey rear extension

Location: 90 South Cross Street, Bury, BL9 0RS

Description

The application relates to a mid-terraced property located on 90 South Cross Street. The premises is currently used as offices for a local charity and is bounded by each side by residential properties. Residential properties are also sited to the front and rear of the site. The premises directly fronts South Cross Street, and has an existing yard area to the rear.

Planning permission is sought for the construction of a single storey rear extension that projects approximately 5000mm from the original rear elevation of the property.

Relevant Planning History

None

Publicity

Neighbour letters sent 7/09/2020. No representations received.

Statutory/Non-Statutory Consultations

Drainage Section - No response

Environmental Health - Contaminated Land - The Environment Section has assessed the application and has no comments to make regarding contaminated land or air quality.

United Utilities (Water and waste) - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

Area Heywood Street/Spring Street

BY11

EN1/2 Townscape and Built Design

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 victimization;

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

Policy EN1/2 of the UDP seeks to protect the character and townscape of the boroughs towns.

The ground floor rear elevation of the premises is largely screened by the rear yard wall however glimpses will be available of the roof of the proposed extension. The immediate street scene is depicted by terraced, residential properties a number of which have extensions to the rear that are visible from the back streets that run along the rear of the yards. Whilst the premises is in D1 use, it retains the same external character and appearance of the neighbouring residential properties. As such, the introduction of a single storey rear extension is considered to be acceptable in principle.

The proposed extension would have a pitched gable roof that would replicate the shape and style of the main terrace. The proposed roof lights, and rear window and door are considered to be suitably aligned. The use of matching materials is appropriate. A sufficient area of yard space is retained, that will allow for the storage of bins off of the highway.

In this instance it is considered that the proposal would not have a detrimental impact on the character of the property, neighbouring dwellings or street scene and therefore the proposal would comply with UDP Policy EN1/2.

Residential Amenity

There are no adopted aspect standards or guidance for commercial extensions however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties in relation to householder extensions. Given the residential nature of the locality SPD 6 would be a reasonable guide in this case.

No. 92 has an existing single storey extension that runs along the side boundary of the site. The proposed rear extension would not project beyond the rear of No. 92 as extended and therefore complies with guidance.

No. 88 has a single storey rear extension, however this is sited off the shared boundary. This extension appears to relate to a kitchen and has a side window that faces towards the proposed extension. The dwelling also has a door located within the original rear elevation that would be sited adjacent to the proposed rear extension. The existing side kitchen window within the extension of No. 88 would be a side window, relating to a non-habitable room and as such is not protected in the same way an original principal habitable room window is. As such, the location of the extension is considered to be acceptable in this respect.

The proposed extension would project more than 3 metres beyond the rear of No.88 contrary to guidance given within SPD 6. There have however been no objections from the neighbouring property. Given that if the property were converted back to residential, the owner could extend to up to 6 metres the 5 metre projection is considered to be acceptable. There is sufficient residential amenity space retained by No. 88 that would not be adjacent to the proposed extension.

There are no windows facing towards the side boundaries. The proposed rear windows would be screened by the existing rear yard wall. Due to the nature of rooflights no overlooking foreseen.

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 U84-P01, U84-P02, U84-P03A and U84-P04 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	14/10/2020	DM	15/10/2020