

DELEGATED REPORT

Report by Tom Beirne	Date of report: 24/04/2024	Ref: 70608/FUL
Registration: 27/03/2024	LDFC: 25/04/2024	Expiry Date: 22/05/2024
Site Visit: 24/04/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side and rear

Location: 157 Bury New Road, Radcliffe, Bolton, BL2 6QQ

Description

The application relates to a part brick/part render two storey semi-detached property on a residential road similar styled properties. Driveway to the front and detached garage at the rear. The attached neighbour (No.157) is not extended but has a detached garage at the back of the driveway. The unattached neighbour at No.159 has a single storey extension at the rear with a stairwell window and a side kitchen window facing across the driveway. There is open countryside to the north/rear and across Bury New Road to the south.

The proposed two storey side extension would project out 2.4m to the shared side boundary with No.159 and run back 9m to the rear and projecting out 3m from the rear elevation. The first floor would be set back 1.5m at the front to introduce some articulation. The extension would be finished in red brick with render above and a slate roof to match the existing house.

Relevant Planning History

55565 - Certificate of lawfulness for proposed single storey extension to rear. - Lawful Development 17/10/2012

Publicity

Immediate neighbours notified by letter dated 03/04/2024. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL1/2	New Buildings in the Green Belt

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PFE Policies 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 - The extension, in terms of appearance is in keeping with the existing house and would not be incongruous within the wider streetscape. The setback at the front at first floor would add the required articulation to mitigate the appearance of terracing along the road. The extension would be finished in brick and render to match the house. The proposal is acceptable and complies with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

Residential Amenity - The side windows in the gable of the unattached neighbour at No.159 are non-habitable and do not carry significant weight in any assessment. The extension would not raise any serious neighbour amenity issues. The proposal in terms of residential amenity is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

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 1-7 received 28/03/2024 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.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	24/04/2024	DM	26/04/2024