

DELEGATED REPORT

Report by Amanda

Date of report: 07/07/2022

Ref:68323/FUL

Uhunmwagho

Registration: 11/05/2022

LDfC: 10/06/2022

Expiry Date: 06/07/2022

Site Visit: 28/06/2022

Site Notice: N/A

Press Date: N/A

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 extension at rear

Location: 6 Stanmere Court, Tottington, Bury, BL8 4JQ

Description

The application relates to a detached bungalow on a residential road. There are residential properties on three sides with a bowling green to the Wagon and Horses public house to the west. The site is 'washed over' by the Green Belt.

The proposal is to replace the existing conservatory at the rear with a single storey extension. It would have a footprint 9.4m by 5m and have a flat roof with a central lantern feature. Finished in brick to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 19/05/2022. 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.

Green Belt - The site lies within the Green Belt but is within an existing settlement. The applicant has submitted the following information with regard to volume.

The area of the existing bungalow = 173.7m² not including the existing conservatory (26.6m²) which is to be taken down and replaced with new construction = 47.4m²

The area of the original building was 173.7m² and the new extension = 47.4m²
therefore the percentage increase is = 27%.

This is less than the 33% increase that represents a materially larger extension and therefore is not classed as a disproportionate increase in area and consequently in volume for bungalow in a green belt area.

Given the new extension would be in a similar position to the existing conservatory and only slightly larger, the additional volume is considered to be acceptable and would not have a serious or detrimental impact on the character or openness of the Green Belt. Complies with the NPPF and UDP Policy OL1/2 and associated guidance on extensions in the Green Belt.

Visual amenity - The new extension would be more in keeping with the existing building than the existing conservatory. Situated to the rear of the building, it would not be readily visible from the public realm. Finished in brick to match the house. Complies with UDP Policy H2/3 and associated guidance on extensions.

Residential amenity - Given the position of the extension in relation to neighbours and the

adjacent conifer hedging and shrubs along the side boundary closest to the new side window, there are no issues with neighbour amenity. There are no issues with the window facing the conifer hedging on the side boundary. Complies with UDP Policy H2/3 and SPD6 relating to residential amenity.

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 BM/0422/STAN/PL1, PL2, PL3 and PL4 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>
AU - 07/07/2022			