

DELEGATED REPORT

Report by Mo Warsame	Date of report: 09/05/2025	Ref: 71399/FUL
Registration: 28/11/2024	LDFC: 05/01/2025	Expiry Date: 23/01/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 4	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Extension to rear gable end roof; 2m fence to side boundary

Location: 17 Bloomfield Drive, Bury, BL9 8JX

Description

The application property is a two storey detached corner property with gardens to the side and rear along with a large drive to the front. The adjacent properties on either side are No. 15 Bloomfield Drive and No.12 Bloomfield Drive across the road.

Planning permission is sought for the proposed extension to rear gable end of the roof and a 2m high fence to side boundary. The proposed roof extension would not extend beyond the main ridge and the proposed 2m fence would supersede the approved 1.85m high fence under application 70703. The proposed roof would be constructed with matching materials and the fence would consist of concrete posts with timber panels.

Relevant Planning History

47719 - SINGLE STOREY EXTENSION AT FRONT, 1ST FLOOR EXTENSION AT SIDE, SINGLE STOREY & TWO STOREY EXTENSION AT REAR, DETACHED GARAGE AT REAR - Approve with Conditions 24/07/2007

70703 - Replacement of 1.2m high wooden fence panels with 1.85m high wooden fence panels to the side/rear boundary - Approve with Conditions 16/08/2024

08/0145 - NOT BEING BUILT IN ACCORDANCE WITH PLANS - 18/09/2009

24/0059 - Erection of fencing - 26/04/2024

24/0123 - Erection of fencing, over 2m height - 26/04/2024

24/0502 - Breach of conditions no.3 of planning permission 70703

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - 1 objection received.

Comments

The Highways (Traffic Section) do not support the the scheme if the frof element of the proposed fence exceeds the 1.2m in height. The highway engineer states that the proposed fence would lead to a breach of condition 3 under previous application (70703). Moreover, the visibility would be more restricted as a result of the proposed 2.0m high fence located adjacent to the radius, even with the splay shown.

Pre-start Conditions

N/A

Development Plan and Policies

H2/3 Extensions and Alterations

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

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.

Situated to the rear, the extension to rear gable end of the roof would not be visible from the street scene at the front. The roof extension would have a simple and unobtrusive design, which would not detract from the character of the dwelling. Moreover, the proposed element would not extend beyond the height of the main ridge and it would be constructed with materials that would match the existing dwelling.

The proposed 2m high fence would supersede the approved 1.85m high fence under planning application 70703. The fence would have concrete posts with timber panels which would not be considered unusual on this type of estate. This existing 1.2m high front fencing currently in place would also be removed. The new front element would now align with the principal front elevation and would also be 2m height instead of 1.2m. This is not supported by the Highway officer. the Highway officer states, visibility would be restricted as a result of the front segment of the proposed 2.0m high fence, even with the splay shown. This is discussed below.

Overall , the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of the proposed roof extension, there would be no residential amenity issues arising with regard to neighbours. The residential amenity of the occupiers would be improved with the additional space.

The five 1.85m high panels to the side boundary would be along a straight section of the highway. As such it is considered that it would not have any significantly detrimental impact on highway safety along this section of Bloomfield Drive. The front corner of the proposed fence would project inwards at an angle which would ensure that highway visibility would not be hindered.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways

The proposal would result in no additional bedrooms and there would be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements. However, according to the highway engineer the proposed fence would lead to a breach of condition 3 under previous application (70703). Moreover, the visibility would be more restricted as a result of the proposed 2.0m high fence located adjacent to the radius, even with the splay shown. Therefore, the proposal fails to maintain the integrity of the adopted highway intervisibility, in the interests of highway safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which

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could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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 proposal fails to maintain the integrity of the adopted highway intervisibility, in the interests of highway safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	9/5/25	DM	9/5/25