

DELEGATED REPORT

Report by Tom Beirne	Date of report: 28/05/2025	Ref: 71769/FUL
Registration: 26/03/2025	LDFC: 30/04/2025	Expiry Date: 21/05/2025
Site Visit: 06/05/2025	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: Single storey extensions at front with roof extension/alterations to existing two storey front extension and new entrance canopy; Two storey side extension and single storey rear extension

Location: 104 Sixth Avenue, Bury, BL9 7RP

Description

The application relates to a two storey red brick detached house on a residential cul-de-sac of similar styled properties. UU reservoir is situated to the west and there are bungalows across the rear garden boundary to the north-east and across the side boundary to the east on Lea Mount Drive. The rear garden is bounded by mature planting.

The proposal involves demolishing the existing garage to the east side of the house and extending the house to the front, side and rear. At the front the single, mono-pitched storey extensions would project out from the front elevation by 2.4m and run across either side of the new two storey front porch. On the east side the two storey extension would project out 4.5m and run from front to rear with a hipped roof carrying over onto the existing roof. At the rear, a single storey flat roof rear extension would project out 3m. The extensions would allow two additional bedrooms at ground and first floor and extended living space at ground floor. The extensions would be finished in brick and tile to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 04/04/2025. One letter stating that there should be no windows in gable facing bedroom in neighbouring bungalow.

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

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 PpE 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 - In terms of design, the extensions would appear to be in keeping with the existing house and other properties on the cul-de-sac. The finishing materials would match the house and would be acceptable. The extensions would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Residential amenity - Two storey neighbouring properties to the north-west and south-west on Sixth Avenue and the bungalow across the rear garden boundary on Lea Mount Drive are not significantly impacted given the relationship to the site and distances between properties. The bungalows to the south east, in particular No.41 Lea Mount Drive would be impacted by the two storey extension as their rear gardens abut the side boundary, closest to the side extension. No.41 has a rear outrigger that would be 10.5m from the side wall of the side extension with a lounge/bedroom set back a further 3m on the rear elevation.

Council's guidance in SPD6 Extensions and Alterations suggests that there should be a minimum distance of 13m between a principle window to a ground floor habitable room and a two storey wall of a neighbouring property. Whilst this distance is achieved between the windows on the main elevation, the window on the rear of the outrigger, at 10.5m away, is less. However there are also patio doors on the side of the outrigger, facing the garden, which would be viewed as the principle windows and these would not be impacted. Further mitigation of the impact on the neighbour is the mature boundary planting on the neighbour's side which effectively screens the development when viewed from the adjacent garden. This screening would be less in winter but there would still be a sufficient amount of planting on the neighbour's side to reduce the impact. It is noted that revised plans have hipped the roof on the side to reduce the massing. It is also noted that there are no objections from this neighbour.

Given the relationship between the site and surrounding neighbours, the extensions are, on balance considered appropriate and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking and Access - The existing access and parking would not be impacted by the development. As such the proposal is acceptable and complies with UDP Policy H2/3 and guidance within SPD6 Extensions and Alterations with regard to Parking and access.

Public comment - The comments of the neighbour from No.43 with regard to windows are noted. There would be no windows on the side elevation along the side boundary and therefore no direct overlooking.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Sheets 2 and 4 (existing) and revised Sheets 3, 5 6 and 7 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 and Places for Everyone Joint 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

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Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	28/05/2025		