

DELEGATED REPORT

Report by Tom Beirne	Date of report: 28/05/2025	Ref: 71839/FUL
Registration: 07/04/2025	LDfC: 14/05/2025	Expiry Date: 02/06/2025
Site Visit: 20/05/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Proposed detached annexe in rear garden

Location: 14 Limefield Brow, Bury, BL9 6QR

Description

The application relates to a two storey red brick, semi-detached house on a residential road of similar style properties. There is a single storey outrigger at the rear and a dilapidated single detached garage at the end of the driveway, in the rear garden. The rear garden is bounded by 1.8m panelled fencing at the side and lower panelled fence (1.6m) at the rear. Across the rear boundary are the rear gardens of Nos.16 and 17 Hazelwood Drive. No.16 has mature planting along the shared rear boundary, while No.17 has a more open aspect.

The proposal is to demolish the existing single garage and site a detached, single storey, flat roof annexe in the rear garden. The structure would have a footprint measuring 9.8m by 4.3m and would have a maximum height of 2.8m. It would be constructed in brick and would accommodate a kitchen/lounge and a bedroom with a small en-suite and house the applicant's elderly parents.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 23/04/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

H2/2 The Layout of New Residential Development
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 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.

Need - The applicant's elderly parents would move into the finished annexe and form an extended household. The annexe would remain ancillary to the main dwelling and share main services. In principle, the siting of the relatively modest annexe for an extended family would be acceptable and comply with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

Visual amenity - Half of the structure would sit on the base of the demolished garage and extend back towards the rear garden boundary. In a simple rectangular form and a relatively modest height of 2.8m, the structure would not appear as particularly incongruous and would not be prominent when viewed from the public realm. In terms of visual amenity, the proposed annexe, finished in brick to match the house, would be acceptable and comply with UDP Policy H2/3 and guidance within SPD6 Extensions and Alterations.

Residential amenity - The impact of the proposed annexe on the unattached neighbour at No.12 Limefield Brow would be mitigated by the detached garage at the rear of the property, along the shared side boundary.

At the rear, the impact on No.16 Hazelwood Drive, would be mitigated by planting along the

shared rear boundary. The rear elevation of the annexe would extend up just over 1m above the rear boundary fencing shared with No.17 Hazelwood Drive. Without boundary planting, the impact on this neighbour at the rear would be more significant as the structure would be clearly visible. Viewed from No.17, the rear elevation would extend halfway across the rear boundary and be finished in timber boarding with a flat roof. Given the need for the annexe for elderly parents, the brick finish and the maximum height of 2.8m, the impact would not be so serious as to warrant refusal. It is noted that there are no objections from neighbours.

Parking and Access - The property has an access and driveway to the side that would accommodate two cars. This arrangement is considered to be acceptable and comply with UDP Policy and guidance in SPD6 extensions and alterations in relation to access and parking.

On balance and with a condition linking the annexe to the main dwelling, the relatively modest structure is considered to be acceptable and would comply with UDP Policy H2/3 and associated 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 P01 and P02/B 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 annexe hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the main dwelling (14 Limefield Brow).
Reason. To ensure the proposed use remains ancillary to the principle use on the site pursuant to UDP Policy H2/3 Extensions and Alterations.
- 4 The external finishing materials for the proposed annex hereby approved shall match those of the main dwellinghouse.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy H2/3 Extensions and Alterations.

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