

DELEGATED REPORT

Report by Amanda

Date of report: 11/11/2020

Ref:65986/FUL

Uhunmwagho

Registration: 12/10/2020

LDfC: 06/11/2020

Expiry Date: 07/12/2020

Site Visit: 09/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of existing conservatory to be replaced with single storey rear extension; Single storey side extension; Rear driveway widening

Location: 112 Fieldhead Avenue, Bury, BL8 2NA

Description

The application property is a two storey semi-detached house with gardens to the front and rear. There is parking on site to the front and access to the rear garden is via gates at the side of the dwelling. At the rear there is a conservatory projecting 4.5m from the original rear elevation.

The proposal is to remove the existing conservatory and replace it with a single storey rear extension projecting 4m and measuring 5.56m wide. The roof would be mono-pitched with three rooflights. To the side elevation there would be a single storey extension projecting 2m and measuring 2.69m. It would also have a mono-pitched roof.

At the front of the site the drive way would be widened directly in front of the property. The plans show that the materials to be used would be porous and there would be some garden area also remaining to the front. The entrance to the site is not being widened.

Relevant Planning History

44345 - FRONT PORCH AND TWO STOREY/SINGLE STOREY EXTENSION AT SIDE - Approve with Conditions 11/05/2005

Publicity

Immediate neighbours notified on 15/10/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
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) 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

The proposed extensions would both be built with materials and a design that would compliment the existing building. The rear extension would not be visible in the street scene and as the side extension would not project forward of the front elevation it would not cause any harm in respect of the street scene.

The changes to the drive way at the front would not have any impact on the street scene as there are many different types of drive way arrangements to the front of properties along this road.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

There are no properties within 20m of the rear of the application property and given the positions of the proposed extensions to the side and rear of the main dwelling there would be no detrimental impact on residential amenity at properties to the front.

No.110 Fieldhead Avenue, attached to the application property has a single storey extension directly adjacent to the shared boundary. With this in mind there would be no concerns regards residential amenity at this property.

With regards to no.114 on the opposite side the rear extension would be far enough from the shared boundary not to have any detrimental effect on residential amenity at this property and as the single storey side extension would not have any windows in the side elevation facing this property it too would not have any detrimental impact on residential amenity at this property.

At the front of the site the drive way would be widened in order to accommodate two vehicles on site. As the number of bedrooms in the property would not be increased two spaces within the site would be acceptable and the porous materials would ensure that there would not be any concerns regards flooding in the future.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

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 01, 02 Revision A, 03, 04, 05, 06, 07 and 08 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	11/11/2020	DM -	01/12/2020