

DELEGATED REPORT

Report by Amanda

Date of report: 21/02/2024

Ref:70365/FUL

Uhunmwagho

Registration: 22/12/2023

LDFC: 13/01/2024

Expiry Date: 16/02/2024

Site Visit: 26/01/2024

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey detached garage at side/rear

Location: 15 Queen Anne Close, Bury, BL9 8LR

Description

The application relates to a two storey end terrace in a short row of four properties. There is a small open plan front garden and a private garden to the rear. There is a driveway to the side of the dwelling which is in a row of three driveways belonging to the site and two neighbouring properties.

The proposal is to build a detached garage at the side of the property, at the rear end of the existing driveway. It would measure 2822mm x 5386mm. The roof would be pitched from front to rear. It would be finished with facing brick and mock Tudor boards to match the main dwelling.

Relevant Planning History

N/A

Publicity

7 neighbours notified on 04/01/2024 - Two objections received. The objections are as follows;

- These people have recently moved in & have disregarded their allocated parking space, causing chaos for neighbours, parking in the allocated bin area, if planning permission is granted it will result in further chaos because I believe the garage will not be used for the purpose a garage is normally used for. If the garage is not used for the purpose intended it will cause more chaos. It will hamper emergency services and local council services.
- This erection will restrict access to the adjacent drive as the drives are only narrow, and it will restrict access on the passenger side to the vehicles on the adjacent drive.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed garage would be built with a design and finished materials that would be

considered to be in keeping with the existing building and as the garage would be positioned at the north end of the driveway, to the rear of the site it would not have any significant detrimental impact on the character of the existing streetscene. The design of the proposal is considered acceptable in this location.

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 -

- As the garage would be single storey and there would be no windows to the rear elevation there would be no significant detrimental effect on residential amenity at properties to the rear of site.
- The east side elevation of the garage would be around 10m from the front of numbers 10 and 12 Queen Anne Close to the east. This distance would be acceptable in terms of SPD 6 and as such it is considered that the proposed building would not have any significant detrimental impact on residential amenity at those properties.
- The garage would be a sufficient distance away from properties to the front of site not to have any significant detrimental impact on residential amenity at those properties.
- There would be around 9m from the front of the proposed garage to the front of the property/site. This would be more than sufficient enough to park at least one vehicle and there would also be one parking space available in the proposed garage.
- It is also a consideration that the applicants may be able to build a detached outbuilding within their site boundaries as Permitted Development.
- Given the unusual site with the driveway being situated adjacent to the main property alongside two neighbouring driveways, the use and ownership of the land was questioned. The agent advised that the driveway has always been part of the residential curtilage and provided documentation to prove this. As there is no evidence to the contrary the proposal is deemed acceptable in this instance.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. However, there would be enough room to park at least two vehicles within the site once the detached garage is built.

Response to neighbour objections -

One objection is that the proposed garage would hinder access to a car parked on the adjacent drive as they are only narrow. The garage may result in a neighbour not being able to open a car door adjacent to where the garage would be erected. However, it has to be considered that the applicant could build a similar size outbuilding in the same position as Permitted Development. As such there would be no reason to refuse the proposal.

As the driveways are around 9.6m in length users of the adjacent drive could park a vehicle further down the driveway. However, as stated above the applicant could build an outbuilding as shown as Permitted Development so this could not be used as a reason for refusal.

With regards to where refuse bins would the applicant would have sufficient room to keep these on the driveway, or they could even keep them in the rear garden. There would be sufficient drive space to accommodate the bins and a vehicle.

The applicant may choose to use the garage to keep a vehicle in, or they may use it as storage, which wouldn't be uncommon. Even if the garage is used for storage there would be enough room to park a vehicle on the drive way in front.

As the garage would be positioned to the north side of the site, set well back from the main access road it is considered that it would not have any significant detrimental impact on the use of the road for neighbouring, or emergency vehicles.

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 001A and 002A received on 22/12/2023 and drawings numbered 003B, 004B and 005B received on 16/02/2024 as modified by the email from McCrory Construction Group Ltd dated 16/02/2024. The development shall not be carried out except in accordance with the details 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 21/02/2024			