

DELEGATED REPORT

Report by Amanda

Date of report: 06/01/2023

Ref:69059/FUL

Uhunmwagho

Registration: 10/11/2022

LDFC: 14/12/2022

Expiry Date: 05/01/2023

Site Visit: 05/12/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level:

Stat Class: HOUS

Proposal: Single storey extension at rear; First floor extension at rear and flat roofed dormer roof extension

Location: 40 Rectory Lane, Bury, BL9 7TA

Description

The application relates to a semi-detached property with two bedrooms and a bathroom to the roof space at first floor level. There is an attached garage to the side, open front garden with a drive for one vehicle. To the rear there is an enclosed garden with fences to all boundaries. There is a footpath directly to the rear of the site.

The proposal is to build a single storey extension at rear and a first floor extension at rear, including a flat roofed dormer extension. The single storey rear extension would project 2.7m from the existing rear elevation and it would measure 5.41m wide. The roof would be pitched with a rooflight to either side.

The flat roof dormer would be built to the rear of the dwelling. It would project around 5m from the existing roof and would measure 5.1m wide. There would be two windows installed to the rear elevation and the plans show that the side cheeks of the dormer would be set in away from the party wall and the outer elevation on the opposite side. The cheeks of the dormer would be finished with roof tiles to match the existing roof.

Relevant Planning History

N/A

Publicity

Neighbours notified on 22/11/2022 - 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 -

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.

As all of the development would be to the rear of the property it would not be visible in the public realm. However, the extension and dormer would be built with materials and a design that would be considered acceptable in this location and would remain in keeping with the existing property.

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 -

- With regard to the single storey rear extension there would be more than sufficient distance between the site of the extension and properties to the rear so that there would not be any significant detrimental impact on residential amenity at those properties.
- There is a footpath separating the rear of the site and properties to the rear and any views from the windows to the rear of the single storey extension would be over the applicant's own garden only.
- The single storey extension would project 2.7m from the existing rear elevation and the proposed plans show that all of the extension would be built within the site boundaries. It would be positioned around 190mm off the shared boundary with the attached neighbour. With this in mind it is considered that there would be no significant detrimental impact on residential amenity at no.38 Rectory Lane, attached to the application dwelling.
- As the extension would not extend beyond the existing side elevation of the property it would not be any closer to the shared boundary with no.42 than the existing building and there would be no windows installed to the side elevation. As such there would not be any significant detrimental impact on residential amenity at this property.
- It is possible that a dormer could be erected on the rear of the dwelling under permitted development rules. The plans show that the dormer would be set slightly in from the rear and side elevations and it would be set well down from the main ridge of the property. The dormer would provide a third bedroom to the first floor. It would be around 9.1m from the rear boundary. As SPD 6 requires at least 7m from a first floor habitable room window to a boundary this distance would be 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 distances to surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front driveway and garage.

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 1, 2, 3, 4, 5, 6, 7 and 8 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

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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 - 06/01/2023			