

DELEGATED REPORT

Report by Amanda

Date of report: 06/11/2020

Ref:65947/FUL

Uhunmwagho

Registration: 17/09/2020

LDfC: 22/10/2020

Expiry Date: 12/11/2020

Site Visit: 05/11/2020

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: Single storey extension at side/rear

Location: 107 Gigg Lane, Bury, BL9 9JB

Description

Planning permission was previously approved at this property on 17/07/2020 for a single storey side extension of the same size. The difference between the current application and the previously one is that the approved proposal showed a flat roof extension but the applicants now intend to build it with a hipped roof.

The application relates to a two storey semi-detached dwellinghouse on Gigg lane which has gardens to the front and rear of the dwelling. The rear garden is all hardstanding and there is a detached out building adjacent to the rear boundary wall. Beyond the rear boundary is an open area of grassland.

The proposal is for a single storey extension. The walls of the extension have been built but works have ceased pending the current application. It is built flush to the existing front elevation and projects 3.25 metres to the side. It extends 9.8 metres along the side elevation, projecting 2 metres past the rear wall. The roof would be hipped.

Relevant Planning History

65494 - Single storey extension at side/rear - Approve with Conditions 17/07/2020

20/0290 - Not being built in accordance with approved plans of planning permission 65494 - 21/09/2020

Publicity

Immediate neighbours notified on 30/09/2020 - No objections received. One email of support received from the neighbours at 105 Gigg Lane.

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 -

Bury UDP Policy H2/3 and SPD 6 are relevant here and seek to achieve a high standard of design. This is to make sure the development compliments the original building, and does not have a negative impact on the appearance of the host building, neighbouring properties and the general street scene.

The materials would match the existing building and as it does not project forward of the original front elevation it would not have any detrimental impact on the character of the existing street scene.

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 windows in the side elevation adjacent to no.105 Gigg Lane next door which means there would be no privacy concerns at this property.
- The proposed development does not project past a 45 degree line from the nearest front or rear window of No.105 Gigg Lane.
- As the extension is on the south west side elevation there would be no detrimental impact on residential amenity at 109 Gigg Lane to the opposite side.

Parking -

The Proposed development would not add any extra bedrooms. The on-site parking would be for 2 cars. This meets the requirements of SPD11 for dwellinghouses with 3 bedrooms.

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy No H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential 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 Sheet 1, Sheet 2, Sheet 3 Rev 1 and Sheet 4 Rev 2 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.

<u>Case Officer</u> AU - 06/11/2020.	<u>Date</u>	<u>Sign off Officer</u> DM	<u>Date</u> 09/11/2020
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