

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/03/2024	Ref: 70475/FUL
Registration: 31/01/2024	LDfC: 01/03/2024	Expiry Date: 27/03/2024
Site Visit: 27/02/2024	Site Notice: 08/02/2024	Press Date: 08/02/2024
Objections: 1	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 8 Redisher Croft, Ramsbottom, Bury, BL0 9JS

Description

The application relates to a large detached two storey house at the end of a residential cul-de-sac of similar styled properties. Conservatory at the rear, adjacent to the shared side boundary with No.6 Redisher Croft. The neighbour at No.6 also has a similar styled conservatory adjacent to the boundary. Large garden bounded by a timber panelled fence and an embankment with trees/hedges to the west.

The proposal involves demolishing the existing conservatory and constructing a flat roofed, single storey extension across the rear elevation. It would project out 4m and run across 9.3m with a height of 3m, not including the three small roof lanterns. The extension would be finished in a grey render. The extension would accommodate an extended kitchen/living space.

Relevant Planning History

02941/E - Single storey rear extension - Enquiry completed 24/01/2024

Publicity

Immediate neighbours notified by letter dated 05/02/2024. Press notice posted 08/02/2024. One objection from neighbour, concerned about the grey coloured render being too dark and out of character with the conservation area.

The properties at Redisher Croft are subject to legal restrictive covenants which prohibit any buildings except in matching red brick, we consider that this should also be an appropriate requirement of the Planning Authority.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control

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.

Heritage/ conservation area - The extension is single storey and relatively modest in relation to the existing house. At the rear of the property, set down from higher ground to the west and north, it would not be readily visible from the public arena of the conservation area. The concern from the neighbour about the colour (anthracite grey) has been considered but given the siting at the rear of the property with limited views and the predominance of grey tiles roofs and fencing in the immediate vicinity, the proposed grey coloured render is considered acceptable. There is no objection from the conservation officer and the proposal is acceptable in terms of heritage and complies with UDP Policies EN2/1 and EN2/2 relating to conservation areas.

Visual amenity - The extension is modest in scale and, although flat roofed, would not be out of keeping with the existing house. The extension would not be viewed from the public

arena. The proposal is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

Residential amenity - The extension would not extend significantly beyond the existing conservatory to be demolished or beyond the conservatory at rear of the No.6. As such the siting complies with the '45 Degree rule' as set out in guidance in SPD6.

The flat roof of the extension would be 3m in height, which although slightly higher than the eaves of the existing conservatory, is less than the height of the conservatory ridge. Set off from the shared side boundary with No.6 by approx 550mm, it is not considered that the extension would have a seriously detrimental impact on the amenity of the neighbours on this side. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations

Public representation - The issues raised by the neighbour with regard to the render have been addressed in the above report. With regard to possible restrictions from existing covenants, this is a separate issue to planning control and are not relevant to this application.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 AD2302/01, 02, 03, 05/A, 06/B and 08A 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/03/2024		