

DELEGATED REPORT

Report by Amanda

Date of report: 17/04/2023

Ref:69395/FUL

Uhunmwagho

Registration: 27/02/2023

LDfC: 07/04/2023

Expiry Date: 24/04/2023

Site Visit: 23/03/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side and rear extensions

Location: 577 Walshaw Road, Bury, BL8 3AF

Description

The application relates to a two storey, end of terrace house with a small front garden and yard to the rear. There is an existing single storey side/rear extension and a shed to the side. The property fronts on to Walshaw Road and to the rear there is a back street along with land belonging to the applicant on the opposite side of the back street. The site is not within the Green Belt, but land to the rear of the site is.

The proposal is to remove the shed at the side and extend the existing single storey extension to the side and rear. At the side the extension would be stepped back from the existing front elevation by 589mm. The extension would project 3.6m to the side of the property to the front but as the site boundary is angled it would not be as wide at the rear end.

At the rear it would project 3.3m from the original rear elevation and it would measure a total width of 4.84m. The side elevation would be around 470mm away from the side of the single storey rear extension at no.575 Walshaw Road next door. The main windows/doors would be to the front and rear elevations, with a single high level window to the side. The roof would have a slight slope to the front and rear with drainpipes etc to the front and rear.

Relevant Planning History

N/A

Publicity

3 neighbours notified on 10/03/2023 and 1 neighbour notified on 17/03/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 the area is typified by terraced properties built right up to boundaries with the highway/side streets the proposal to extend right along the side boundary would not be considered to be out of character in this area.

The extension roof would more or less flat with and the walls of the extension would be

rendered in an off-white colour. Given that there is a mixture of rendered, brick and stone properties in the immediate vicinity the extension would not appear out of place in the existing street scene. 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 -

- There are no properties directly to the rear of the site and properties to the front would be a sufficient distance not to have any significant detrimental impact on residential amenity.
- As the extension would be single storey only with one high level window to the side there would be no significant detrimental impact on residential amenity at no.579 Walshaw Road to the west of the site.
- At the rear the extension would be built 470mm away from the neighbouring extension at no.575 and it would project around 1m past the rear elevation of that extension. This would be acceptable in terms of SPD 6.
- The agent advised that the applicant owns part of the unadopted road to the west of site but they haven't provided any evidence to prove ownership. However, they have also advised that the foundations would be constructs in such a way that they would not encroach on to the unadopted road to the side.

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. The parking arrangements would remain as existing where there is parking to the highway in front and unadopted road to the side.

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 drawing 23/721/01 received on 27/02/2023 and revised drawings numbered 23/721/02A and 23/721/03A received on 31/03/2023 as modified by the email from Mr John Hodgkinson dated 31/03/2023. 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 be an off-white colour K-Rend as per drawing numbered 23/721/03A received on 31/03/2023.

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 - 17/04/2023		DM 18/04/23	