

DELEGATED REPORT

Report by Mo Warsame	Date of report: 07/07/2023	Ref: 69539/FUL
Registration: 24/04/2023	LDfC: 18/05/2023	Expiry Date: 19/06/2023
Site Visit: 28/04/2023	Site Notice: N/A	Press Date: N/A
09:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage and erection of double garage at rear

Location: 32 Deacons Crescent, Tottington, Bury, BL8 3DW

Description

The application relates to a two-storey semi-detached house situated on corner plot. The site is triangular in shape with a large garden to the side and rear of the property and smaller garden to the front. There is a small driveway to the side/rear leading to a detached garage.

The application is for the demolition of the existing flat roof garage and replacement with a new double garage. The proposed garage would be 6 metres by 6 metres with a dual pitch roof of approximately 3.8 metres ridge height and 2.3 metres eaves height. It would be constructed in brickwork, roof tiles and render to match the main property.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 27/04/2023 . No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of a condition relating to parking and highway alterations

Pre-start Conditions

N/A

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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.

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 existing, the garage is located on the side/rear of the site and would therefore be readily visible from the public arena.

However, the garage is situated on a large plot of land with no properties nearby except for the adjacent No.21 Scobell Street to the side. This property would project a blank wall on the side facing the garage. To the front, the garage would be facing the rear garden of No.288 Bury Road but the high fencing and scrubs on the rear of this property would be screening the garage. Moreover, the development would be simple in design and relatively small in scale. Furthermore, the proposed garage would be constructed with material that would complement the main property and utilise the use of matching materials such as render.

Overall, It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity –

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

No.21 Scobell Street to the side of the garage would project a blank wall and therefore, there would be no detrimental impact on this neighbour. The properties on the opposite side and to the rear of the garage are sufficiently setback. To the front, the garage would be facing the rear garden of No.288 Bury Road but the high fencing and scrubs on the rear of this property would be screening the proposed development.

Parking

The highways engineer initially stated there would be insufficient room between the garage and the opposite side of Scobell Street in order to access the garage, which is made worse by the change in orientation of the new, larger garage. A 7m dimension should ideally be incorporated instead of the 5m shown on the original plans. However, the revised plans show the required 7m is now incorporated. As a result, the proposed parking condition would meet the necessary requirements.

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 PR-01 rev F 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.
- 3 The amended driveway arrangements to serve the new garage indicated on approved plan reference PR 01 Revision F, incorporating the resurfacing of the existing footway crossing following removal of the concrete hardstanding that extends into the adopted highway, demarcation of the limits of the adopted highway at the new hardstanding, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, shall be implemented to the written satisfaction of the Local Planning Authority before the development hereby approved are brought into use.
Reason. To secure the satisfactory development of the site in terms of highway

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safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW - 07/07/2023		HL	07/07/23