

DELEGATED REPORT

Report by Jane Langan	Date of report: 19/11/2020	Ref: 65868/FUL
Registration: 09/10/2020	LDfC: 03/11/2020	Expiry Date: 04/12/2020
Site Visit: 26/10/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side/rear extension

Location: 1 Old Oak Close, Radcliffe, Bolton, BL2 6SF

Description

The property is a modern detached house on a residential estate. It has a drive to the front and a path to each side leading to a fenced garden. The rear elevation is extended across part with a conservatory and to the south east corner of the garden is a detached outbuilding. The neighbouring property to the south side is No.3 which has a single storey section to part of the side with the main rear elevation sitting deeper where there are two windows at ground floor. To the opposite side 1 Boundary Drive has its rear elevation facing the side of the site and is extended with a conservatory. There are no properties directly at the rear with the site bordering the footpath to Bradley Lane.

The application proposes to remove the conservatory and replace with a single storey extension. It would infill the area to the rear of the existing single storey at the side and project 4m past the existing rear elevation for 5.1m across. At this point it would extend out 3m deeper for the remaining 3m across. The extension would form an ensuite, utility and living area.

Relevant Planning History

48319 - Two storey extension to side of house and single storey extension rear - Refused 14/08/2007.

Publicity

Surrounding neighbours were notified by letter and no responses have been 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.

Visual amenity and design - Located to the rear the proposal would not be visible from the main street view. The roof would be hipped to the north side with the rear forming a monopitch and a rear gable. Materials are noted to be brickwork to match and roof tiles similar to the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered.

Residential amenity - In relation to No.3 the proposal would extend along the boundary up to where there would be a small gap between the extension and where the existing outbuilding starts, if it is retained. Whilst this would result in a lengthy amount of development along the boundary the rear windows to No.3 are set away from the site to such a distance that there would be no encroachment over a 45 degree line from the mid point of the closest window. The garden to this property is also located to the south side of the site therefore there would be no significant over shadowing. The proposal would also be blank to this side.

To 1 Boundary Drive to the opposite side the wall of the proposal would be blank wall and there would be a separation distance from the rear of this neighbouring property of approximately 11.2m which would be more than sufficient to comply with SPD6 Aspect Standards.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - 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 TG-20.047.01 (0-) Revision C, TG-20.047.02 (0-) Revision C, TG-20.047.03 (0-) Revision C 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>
JL	19/11/20	DM	24/11/20