

DELEGATED REPORT

Report by Jane Langan	Date of report: 07/04/2022	Ref: 67826/FUL
Registration: 31/01/2022	LDFC: 23/02/2022	Expiry Date: 28/03/2022
Site Visit: 28/02/2022	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: Two storey extension at side and single storey extension at side/rear

Location: 1 Holbeach Close, Bury, BL8 1XA

Description

The property is a two storey detached house located on a corner plot on a residential estate. It has an attached garage to the side which incorporates a porch and both project flat roofed from the front elevation. There is a drive to the front and a garden which extends around the side. Set back from the front elevation of the house timber fencing screens part of the side garden and that to the rear. The adjacent neighbouring property is No.3 and the same house type. To the rear of the site the garden borders the rear garden to 79 Trimmingham Drive.

The application includes a two storey side extension coming out 3m and extending from the existing front to rear elevations. It would form a kitchen, dining/seating area with an additional bedroom with ensuite at first floor. To the rear of the garage a single storey extension would infill up to the existing rear elevation to provide a utility room.

Relevant Planning History

None.

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 - The criteria set out within SPD6 for two storey extensions on corner plots is that they should not cover more than half the available width or leave a minimum 2m gap between the extension and the public footpath in order that they do not have a harmful impact on the street scene. In this case the proposed extension would leave a 2.1m gap to the boundary with the public footpath on March Drive.

The proposed two storey extension would have a pitched roof forming a side gable wall. The single storey would be flat roofed as an extension to the rear of the existing garage. Materials are noted to be brick and tile on the application form. A standard matching condition is added.

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. The property would remain as a 3 bed with the existing smallest bedroom becoming an office. The proposal would not affect the existing parking arrangements.

Residential amenity - The single storey to the rear would infill along the blank side elevation of No.3 to come around level. Certificate B has been completed in respect of

encroachment. The two storey side would be to the open corner side. There would be a distance in excess of 7m from the proposed first floor window to the rear boundary and in addition the room would be non habitable one as an ensuite. The proposal would comply with SPD6 Aspect Standards.

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

The proposal would comply 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 the existing and proposed plans and elevations received 31/01/22 and existing and proposed site plans received 06/04/22 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 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> JL	<u>Date</u> 07/04/22	<u>Sign off Officer</u>	<u>Date</u>
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