

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 06/09/2023 | <b>Ref:</b> 69921/FUL          |
| <b>Registration:</b> 19/07/2023 | <b>LDFC:</b> 30/08/2023           | <b>Expiry Date:</b> 13/09/2023 |
| <b>Site Visit:</b> 06/09/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two/single storey rear extension; Front porch

**Location:** 5 Grundy Lane, Bury, BL9 9BZ

### **Description**

The application relates to a two storey mid-terraced group of four similar styled properties on a residential road of similar.

The proposed porch on the front would have a footprint 2sqm with a pitched roof. The rear extensions are twofold. The two storey flat roof extension would project out 3m from the rear elevation and run across 4m, stopping 1.6m short of the shared side boundary with No.3 Grundy Lane.

The single storey flat roof extension would project out from the rear elevation and wrap around the two storey extension. It would extend out a further 2m from the rear of the two storey extension. The extensions would be finished in brick to match the house.

### **Relevant Planning History**

69212 - Prior approval for proposed single storey extension - Prior Approval Required & Granted - Ext 13/03/2023

### **Publicity**

Immediate neighbours notified by letter dated 08/08/2023. One objection from neighbour: No objection to a single storey being built, however we object to a double story being built as this will block the sun and the garden needs the sun

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions - N/A**

### **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** - The proposed porch at the front would be modest in scale and would be in keeping with the house and streetscape.

The extensions at the rear, particularly the two storey element, are large and overdominant in relation the neighbours on either side. The single storey element in isolation is extensive along the boundaries on either side and the two storey element above is even more detrimentally impactful.

In terms of visual amenity the size and scale of the proposal is unacceptable and is contrary to UDP policy H2/3 and guidance in SPD6 relating to extensions and alterations.

**Residential amenity** - In extending out 3m from the rear elevation adjacent to the shared boundary with No.7 Grundy Lane, the two storey rear extension would be large and extremely overdominant when viewed from the No.7. The visual impact from No.3 Grundy Lane, whilst mitigated by the setback on this side, would still be dominant and situated to the west, would, in combination with the extensive single storey element, have a detrimental impact and overshadowing effect.

The rear extensions are unacceptable and would have a seriously detrimental impact on

neighbour to either side. The proposal would be contrary to UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

**Public representation** - The comments of the neighbour are reflected in the reasons for refusal.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

**Conditions and Reasons:**

- 1 The proposed rear extension would be seriously detrimental to the residential amenities currently enjoyed by the occupiers of the adjoining dwelling houses on either side, by reason of its size and position. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 Extensions and Alterations and SPD6 Alterations and Extensions.
- 2 The proposed rear extension would, by reason of its size, position and design, be a prominent and intrusive feature at the rear of the property and the immediate premises adjoining. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 Extensions and Alterations and SPD6 Alterations and Extensions.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 06/09/2023  |                         |             |