

DELEGATED REPORT

Report by Jane Langan	Date of report: 30/08/2022	Ref: 68619/FUL
Registration: 29/06/2022	LDFC: 20/08/2022	Expiry Date: 24/08/2022
Site Visit: 08/08/2022	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: Alterations to conservatory at rear including replacement of roof and Erection of wrap around car port and covered terrace at side/rear

Location: 83 Fieldhead Avenue, Bury, BL8 2LZ

Description

The property is a semi detached house located on a residential estate. It has a garden and drive to the front and a gap to the side leads round to a fenced garden. The rear elevation is extended with a conservatory. The adjoining semi is No. 81 and is not extended at the rear. Planting/fencing runs along the boundary. To the opposite side No.85 is extended single storey at the rear and has an outbuilding to the boundary and timber fencing screens.

The application proposes to remove the conservatory glazing and roof and construct a single storey extension 3m deep. It would run for 5m across where the roof would then extend out to the side a further 3m to create a covered terrace. The roof would further extend 7m along the side of the property supported by posts to form a car port.

Relevant Planning History

49342 - Single storey side extension, new pitched roof to front bay/porch - AC 01/02/2008

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 car port would have a monopitch roof running along the side of the house with supporting poles. It would extend around to the rear to cover a terrace and then the extension which would also have roof lights. The terrace side and rear elevation of the extension would be glazed and the walls in matching brick along the bottom section then timber cladding. The roof material is not specified therefore 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 proposal would improve the parking arrangements adding a car port to the side.

Residential amenity - The proposed extension would project 3m deep as blank wall along the boundary with the adjoining No.81. This depth SPD6 deems acceptable and is generally permitted development.

To the opposite side No.85 is extended at the rear and has a shed to the side and timber fencing screens the gardens. The proposed car port and covered terrace would be an open structure and as such have minimal impact.

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There would then be no serious impact on the amenity of the 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 (EX) 001 Revision A, (EX) 002 Revision A, (20) 001 Revision A, (20) 002 Revision A 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 roof tiles 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	30/08/22		