

DELEGATED REPORT

Report by Amanda

Date of report: 04/01/2022

Ref:67811/FUL

Uhunmwagho

Registration: 18/11/2021

LDfC: 15/12/2021

Expiry Date: 13/01/2022

Site Visit: 16/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 35 South Cross Street, Bury, BL9 0RS

Description

The application relates to a mid terrace, two storey property with a small garden to the front and yard to the rear. No existing on site parking. There are brick walls to all boundaries at the rear with a pedestrian gate leading to the back street. There is an existing single storey rear extension and dormer on the building.

The proposal is to extend further in to the rear yard with a single storey extension. It would project all the way along the shared boundary with no.33 South Cross Street. Part of the roof would be hipped and part would be flat.

Relevant Planning History

58213 - Prior notification of single storey extension at rear with 2 no. roof lights - Prior Approval Not required 23/12/2014

Publicity

Immediate neighbours notified on 25/11/2021 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The extension would be built with materials and a design that would be considered to be in keeping with the existing building and with other extensions to the rear of properties along South Cross Street. With this in mind there would be no significant detrimental effect on the character of the existing streetscape.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The extension would be single storey and most of the extension would be screened by the existing high brick boundary walls. Any views from the new kitchen window in the rear of the extension would be over the applicant's yard area only. There would be no significant detrimental impact on privacy at neighbouring dwellings.

- The extension would be built directly along the shared boundary with no.33 next door. However, as there is an existing extension to the rear of no.33 which is adjacent to the shared boundary the proposed extension would project around 4m past the rear elevation of that extension. taking in to account the larger homes scheme and that the neighbour has not objected the proposal would be deemed acceptable in terms of SPD 6.
- Although the additional extension to the rear of the property would result in a wall extending along the shared boundary with no.37 around 7.1m the site is due north of no.37 and windows to the rear of no.37 are already over shadowed by the existing extension on site. The roof of the extension would be hipped away from the boundary with this property which would help to alleviate any possible impact on light to the rear of the next door property and garden. Taking the above in to account and that the neighbour at no.37 has not objected to the proposal the proposal would be considered acceptable in this instance.
- The plans show that all of the extension would be built within the curtilage of the site and certificate A has been signed and submitted with the application. With this in mind there would be no concerns regards encroachment on to neighbouring land or the highway to the rear.
- There is no existing parking within the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – 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 SHT 1 of 2 and SHT 2 of 2 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 04/01/2022		DM	05/01/2022