

DELEGATED REPORT

Report by Amanda

Date of report: 18/06/2024

Ref:70725/FUL

Uhunmwagho

Registration: 02/05/2024

LDfC: 31/05/2024

Expiry Date: 27/06/2024

Site Visit: 22/05/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 19A Chesham Road, Bury, BL9 6LY

Description

The application relates to a two storey, previously extended semi-detached property with gardens to three sides. There is a garage to the rear accessed from the back street to the north. There is pedestrian access only from Chesham Road at the front of site and there is concrete fencing along the front boundary.

Planning permission was previously granted at this site for a two storey side extension and single storey front extension. Works are underway on that development. The current proposal is to remove the existing garage at the rear of the dwelling and replace it with a single storey extension. The extension would measure 6520mm x 4570mm and the roof would have a very slight pitch to it sloping from the rear of the previously approved extension. It would measure 2480mm to the eaves and at the rear it would project 3114mm from the rear most elevation of the dwelling. The walls would be rendered.

Relevant Planning History

68635 - Two storey side extension; Single storey front extension - Approve with Conditions 06/10/2022

Publicity

9 neighbours were notified on 08/05/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 proposed extension would be built with a design that would be considered in-keeping with the existing building and as there is a mixture of buildings in the local vicinity which are both brick finished and rendered the proposed render finish would not appear out of keeping in the existing street scene.

As it would be to the rear of the existing side extension it would only be readily visible from

the back street to the rear of the site. The design of the proposal is considered acceptable in this location.

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 proposed extension would be a sufficient distance from neighbouring properties to the front, side and rear of the site not to have any significant detrimental impact on residential amenity at those properties and their gardens/yards.
- There would be no windows in the rear elevation of the extension and just one window to the side which would overlook the applicant's own garden/parking areas.
- The rear elevation of the proposed extension would be built 300mm set back from the rear boundary. As such there would be no concerns regards encroachment on to the highway at the rear. No new boundary wall would be built to the rear of the extension.
- The erection of the extension would result in the loss of the garage on site and with it, one parking space. The vehicular entrance at the rear of the site would remain in the same position, albeit slightly narrower measuring 2600mm wide along with hardstanding to the side of the dwelling providing on site parking for at least two vehicles.
- The gates to the vehicular access would open inwards so not to cause obstruction to the highway to the rear.
- The proposed drawings show that all of the development would take place within the residential curtilage and certificate A has been submitted with the application.

Taking the above in to account 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 in terms of separation distance to the surrounding properties.

Parking -

The proposal would include the removal of an existing garage which would be one parking space. The site as existing has an area of hardstanding to the side of the dwelling which would accommodate upto 2 vehicles. This would remain following the extension being built. The area is high access in terms of public transport, and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

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 drawing numbered 2208-40 received on 02/05/2024 and drawings numbered 2208-41A, 2208-50A, 2208-55A, 2208-60A and 2208-65A

received on 17/06/2024 as modified by the email from Chesham Design dated 17/06/2024. The development shall not be carried out except in accordance with the details 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 be white render as noted on the approved drawings.

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>
AU - 18/06/2024		DM - 20/06/2024	