

DELEGATED REPORT

Report by Amanda

Date of report: 19/06/2024

Ref:70764/FUL

Uhunmwagho

Registration: 15/05/2024

LDfC: 14/06/2024

Expiry Date: 10/07/2024

Site Visit: 10/06/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Erection of 2 no. outbuildings to be used as a gym and garden room

Location: 17 Settle Close, Bury, BL8 2TP

Description

The application relates to a previously extended semi-detached bungalow. The property is higher compared to the highway in front and there are steps leading up to the front door from the pavement. To the side of the dwelling is a driveway, which also slopes up from the highway in front. To the rear of the dwelling is a private garden with fences to all sides. Access to the rear garden is via a gate to the side of the house.

To the west of the site there is a public footpath with steps linking Settle Close to Clitheroe Drive to the south. Beyond the steps is an area of overgrown land and industrial buildings at Lowercroft Industrial Park.

The proposal is to build two outbuildings, a gym to the side of the dwelling and garden room to the south west corner of the rear garden. The garden room has already been built and there are sliding doors leading onto the garden area with a window to the north side.

The garden room measures 5000mm x 2600mm and its height is 2650mm. The gym would measure 2600mm x 3750mm with an overall height of 2650mm. Both buildings would be finished with horizontal timber cladding with a flat membrane roof with grey fascias. There would be glazed doors leading onto a patio area with one smaller window to the east side elevation.

Relevant Planning History

66195 - Loft conversion with front dormer and single storey extension at rear - Approve with Conditions 15/01/2021

Publicity

4 neighbours notified on 24/05/2024 - One comment received:-

Just received letter regarding the above application at 17 Settle Close. I'm not sure how this works but asking me now regards any comments I may have seems to be a bit late I am looking at the Gym/Garden outbuilding fully Built!!!! So has this been built without full authority.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Given the location of the outbuildings to the side of the site there would be some visibility from the public realm when people are using the footpath/steps to the west. However, the timber clad finish would be a fairly typical material used for the construction of garden buildings. The existing boundary fences would remain as they are now.

In addition it is noted that the applicant could have built both of the garden structures as permitted development had they been 150mm lower in height. As such the additional height above the permitted 2500mm and its impact on visual amenity in the area has to be considered. In this instance it is felt that the additional 150mm height would not have any more of an impact on visual amenity than if the applicant was to build outbuildings in the same positions under Permitted Development Rules. 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 -

- There would be more than a sufficient distance to properties at the front of the site not to have any significant detrimental effect on residential amenity at those properties.
- There are no residential properties to the west side of the site.
- As the gym outbuilding would be built directly next to the west side of the dwelling there would be no detrimental impact on residential amenity at no.15 Settle Close to the east or no.59 Clitheroe Drive to the rear.
- The garden room, which has been built to the south west corner of the rear garden is around 7.1m away from the shared boundary with no.15 next door. This distance would be acceptable in terms of SPD 6.
- The rear elevation of the garden room is around 10m away from the closest point of the rear elevation of no.59 Clitheroe Drive to the rear and there are no windows in the rear elevation. The existing boundary fence will screen the majority of the garden room with just the fascias extending above the fence line by around 330mm. This would not be considered excessive and as the site has a lower land level compared to this neighbour it is considered that the garden room structure would not have any significant detrimental impact on residential amenity at this property.
- The drawings show that all of the development would be built within the site boundary and the existing boundary fencing would remain in situ.
- The proposed development would not have any impact on existing parking arrangements 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 in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the existing driveway to the side of the site. There are also no parking restrictions to the highway in front.

Response to neighbour comment -

A voicemail was left by the neighbour on 28/05/2024, which was the same day they also submitted their comments. A return call was made to the neighbour on 03/06/2024 but

there was no answer. As such a voicemail was left advising them that on occasion someone may submit a planning application which is retrospective and they would still submit a planning application if required. As the LPA are legally bound to notify neighbours of the development letters are sent to the relevant neighbours as for all planning applications. They were advised if they had any further comments to submit them in writing by 13/06/2024 so they could be considered. No further comments or objections have been received to date.

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 ZT24-196-01, ZT24-196-02, ZT24-196-03, ZT24-196-04 and ZT24-196-05 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 proposed outbuildings hereby approved shall be horizontal timber cladding to the walls and flat roof membrane and grey fascias 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 - 19/06/2024		DM - 20/06/2024	