

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/06/2024	Ref: 70709/FUL
Registration: 29/04/2024	LDfC: 24/05/2024	Expiry Date: 24/06/2024
Site Visit:	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: Proposed single storey side/rear extension with external stairs

Location: 1 Stokesay Close, Bury, BL9 8DB

Description

The property is a semi detached house on a corner plot on a residential estate. It has garden to the front, side and rear. The layout sees a path to the side garden leading to an entrance door to the south elevation. To the garden area off Stokesay Close is a detached garage and drive which run along side the side elevation to 3 Stokesay Close.

Planning permission is sought for the proposed single storey side/rear extension with external stairs. The proposed single storey extension would project 4378mm to side along Stokesay Close with a setback of 375mm and run 5738mm to the rear before running zig-zag to effectively connect with the existing dwelling. The development would facilitate a TV room along with a shower room. The proposed external stairs would replace the existing stairs off the kitchen and would be used to access the new TV room. The extension would have a hipped, pitched roof and the proposal would utilise the use of matching materials.

Relevant Planning History

01969/E - Enclosure of gardens to domestic property - Enquiry completed 10/04/2017
02143/E - Removal of conservatory to be replaced with brick extension - Enquiry completed 22/05/2018
02833/E - Part single / Part two storey rear extension - Enquiry completed 06/04/2023
60499 - Erection of 1.72m high fence - Refuse/Refused 11/10/2016
63001 - Single storey extension - Approve with Conditions 04/10/2018
16/0256 - Erection of wooden fence - 28/03/2017.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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 PpE 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed extension would not be an uncommon type off extension as it is often found on this type of corner property. It would be built with materials that would complement the existing property. The extension would face public highways to the front (Stokesay Close) and side (Woburn Drive) but the majority of the extension would be screened by the existing tall hedges and bushes around the site boundaries. This screening mitigates the 0.5m short that the SPD sets out where extensions on side plots should maintain a 2.0m

gap. The development would therefore be considered in-keeping with the existing property. The proposed external stairs would be a modest structure that would replace the existing external stairs outside the existing kitchen. The new stairs would allow an access/entry to the house via the proposed TV room from the front/side.

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

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be no proposed windows facing the attached property (No.31 Woburn Drive) and there would be sufficient distance between the proposed windows and the properties to the side (No.20, No.22 Woburn Drive. Additionally, there would be no proposed windows facing the properties on Stokesay Close, only the proposed patio door. Furthermore, the majority of the extension would be screened by the existing tall hedges and bushes around the site boundaries.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4.37 from the principal front side elevation. This would be considered acceptable in this instance.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore 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 the drawings received on 29/04/2024 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	21/6/24	DM	21/6/24