

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/11/2023	Ref: 70098/FUL
Registration: 29/09/2023	LDfC: 20/10/2023	Expiry Date: 24/11/2023
Site Visit: 13/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 8 Garside Hey Road, Bury, BL8 1HZ

Description

The application relates to a semi detached dwelling within a residential estate. The dwelling has outbuildings at the side and rear which are connected to the main house on the western boundary to No 10. To No 6 is a timber boundary fence.

The application seeks removal of the rear outbuilding and a replacement single storey rear extension. The side outbuilding would remain.

The proposed extension would project 3.6m from the rear elevation and be 4.6m wide and 3.4m high with a pitched roof. It would be set away from the boundary with No 6 by 0.4m. The extension would be fully rendered with concrete roof tiles.

Relevant Planning History

n/a

Publicity

Neighbours notified by letter on 29/9/23
No responses received.

Statutory/Non-Statutory Consultations

n/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Impact on residential amenity

SPD6 states that single storey rear extension should not project more than 3m along the rear boundary and those which do should be assessed against the 45 degree rule from the neighbour's nearest habitable room window.

The proposed extension would project 3.6m.

The proposed extension would contravene the 45 degree line. However, it would be set off the shared boundary with No 6 by 0.4m and would have a pitched roof sloping away from the neighbour's house.

Larger home extension would allow for a single storey extension to a semi detached dwelling to extend 6m subject to no objections being received by neighbours.

It is noted no representations have been made to the application.

Given the set back from the shared boundary and the form of the roof slope it is considered there would not be a significantly harmful impact on the amenity of the residents at No 6.

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The proposed extension would be 4m from the boundary with No 10 and largely screened by the remaining outbuilding and as such this neighbour would be unaffected.

The proposed development would therefore comply with H2/3 and SPD6.

Visual amenity -

The proposed extension would be located at the rear and not visible to the main streetscene.

It would be fully rendered with a pitched tiled roof and as such these materials are considered acceptable for the character and position of the development.

The proposed development would therefore comply with H2/3 and SPD6.

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 Location plan 2305-01; Proposed site plan 2305-02; Existing plan and elevations 2305-10; Proposed plan and elevations 2305-20 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 materials for the extension hereby approved shall be those as detailed on the approved proposed elevation and layout plan 23-05-20
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	10/11/23	DM	17/11/23