

DELEGATED REPORT

Report by Tom Beirne	Date of report: 07/11/2023	Ref: 70103/FUL
Registration: 28/09/2023	LDFC: 20/10/2023	Expiry Date: 23/11/2023
Site Visit: 31/10/2023	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: Two storey rear extension with Juliette balcony; Single storey side extension; Outbuilding to the rear

Location: 66 Hathaway Road, Bury, BL9 8EG

Description

The application relates to a two storey red brick detached house on a residential road. Attached single garage at the rear of the driveway to the side of the house. Detached house on either side and large garden to rear. There is an existing outbuilding in the rear garden - see photos.

The proposal involves:

- The demolition of the existing garage/utility room.
- The house would be extended out to the rear by 4m and run across 8.7m. The two storey element would be the width of the house with a small single storey outrigger projecting out on the west side. The roof would be hipped and extend onto the existing roof at a the same height. The extension would be finished in red brick to match the house.
- The existing outbuilding in the rear garden would be demolished and a new, larger outbuilding sited at the rear north east corner of the garden. It would be finished in a render and have a footprint 9m by 9m. The roof would be tiled and pitched to a maximum height of 4.9m and an eaves height of 2.6m.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 29/09/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary 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) 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.

Visual amenity - The extension is, in terms of scale, design and appearance, in keeping with the existing house. The larger outbuilding in the rear garden would be sited adjacent to the rear boundary and with a pitched roof, would not appear out of keeping. Although the ridge is 4.9m, the eaves next to the boundary with the neighbour at No.64 would be 2.6m high. This is considered acceptable as is the proposed rendered finish. The proposal complies with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

Residential amenity - Given the relationship with properties on either side, being set away at an angle, the proposed rear extension would not have a serious impact on the amenity of neighbours. The proposed outbuilding in the rear garden would be set well away from the rear elevations of neighbours and with an eaves height adjacent to the boundary of 2.6m, would not have a serious impact on amenity. The proposal would be acceptable and comply with UDP policy and guidance on extensions and alterations.

Parking - The access and parking would not be impacted and is therefore acceptable and

complies with UDP Policy and guidance in relation to parking.

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 location and site plans and drawings numbered 2680-BUR-01 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 proposed extension hereby approved shall match those of the existing dwellinghouse.
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.
- 4 The outbuilding hereby approved shall only be used for domestic purposes associated with the main dwellinghouse.
Reason. To ensure proper use of the building in the interests of residential amenity pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	07/1/2023	DM	17/11/23