

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/11/2023	Ref: 70066/FUL
Registration: 29/09/2023	LDfC: 27/10/2023	Expiry Date: 24/11/2023
Site Visit: 18/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear and side extensions

Location: 21 Wilson Street, Pimhole, Bury, BL9 7EF

Description

The property is a semi detached house with garden to the front and drive that runs along the side and to the rear is garden. The rear boundary borders a Social Club, 14 Openshaw Street, which sits side on to the site and is a two storey building with single storey section at the front. The adjoining neighbour is No.19 and is extended single storey along the boundary and then two storey adjacent this. To the opposite side No.23 is the unattached neighbour, a semi detached house with drive along the side and detached garage.

The application proposes a single storey extension that would come 2.9m out at the side flush to the front elevation. It would run along the side and for 3.3m past the rear elevation where it would wrap around as a rear extension the full width of the elevation. It would form a dining room, shower room and extended kitchen and living room.

Relevant Planning History

59120 - Single and two storey side extension; single and two storey rear extension - AC
17/09/2015

65065 - Single/two storey extension side & Single/two storey extension at rear - AC
21/02/2020

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour their concerns in summary are :-

- Notification letter dated 5 Oct. Might have arrived between 9-13 Oct. There is a 21 day approval period. Approval from Date Received or Date Sent. 5 + 21 = 26 th October.
- Work has already commenced before planning permission
- Foundations and footings already been poured. Where is the Control and the Building Inspectors.
- Semi detached properties were designed so you had a front door and a passage to get to the back for means of escape and access to rear. Different when you had terraced houses with a front and back street. Why turn semi detached houses into a terraced row when there is no access

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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 and design - The proposed extension would have a monopitch roof along the side with a roof light. The extension would come flush to the existing front elevation and have one window aligned with the existing front window and door. To the rear the roof would run with a hipped roof to the corner and a monopitch up to the party wall side and the rear elevation would have a door and window. Materials would be to match the existing.

The extension would restrict access to the rear of the property and SPD6 does note that

refuse storage should be considered. The property has a front garden with planting and there is then potential to screen bins. Whilst ideally bins are stored to the rear it is not possible to control where a homeowner may place them and as such is not justified grounds for refusal.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not to be considered. The proposed extension would include building on the area along the side of the house. Following the extension there would be a drive length of 5.17m remaining which would be a sufficient length. The site has a front garden and there may be potential for further parking if the applicant should require it, and subject to highways approval for any extended kerb. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The proposed extension would be 3.3m deep and blank wall to the side to No.19 and this property extends out deeper. To the opposite side the extension would run as blank wall adjacent the side to No.23 and be separated by the drive to No.23. Where it would project past the rear elevation of this neighbouring property it would be in the area of its detached garage and a covered link to it. To the rear the boundary borders a commercial building that sits side on and with its forecourt to the front.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection -

Notification letters clearly state that comments must be received within 21 days or 'it may not be possible to consider your views'. Planning have no control over mail delivery dates and more than 21 days have elapsed prior to the assessment and determination of this application.

The applicant commences work at their own risk prior to a decision.

Building Control is a separate function to planning and an application has been submitted. There are no planning restrictions to prevent extensions being built to a boundary and in many cases permitted development allows such. Applications are assessed on the own merits on a site by site basis.

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.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered SHT 1 of 3, SHT 2 of 3, SHT 3 of 3 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/11/23	DM	17/11/23