

DELEGATED REPORT

Report by Jane Langan	Date of report: 08/11/2023	Ref: 70134/FUL
Registration: 02/10/2023	LDfC: 02/11/2023	Expiry Date: 27/11/2023
Site Visit: 30/10/2023	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/side extension

Location: 517 Bolton Road, Bury, BL8 2DJ

Description

The property is a two storey semi detached house with a front garden which is fully surfaced for parking. There is a gated gap along the side of the house and to the rear a patio and garden at a lower level. The rear elevation has a two storey bay to the party wall side and then is extended single storey. The adjoining neighbour is No.515 and to the rear has a window to the ground floor party wall side and adjacent works have started on an extension. To the opposite side No.519 is the unattached semi and has its drive alongside that to the site and a gap along the side of the house leading to a detached garage. To the rear the site boundary borders the rear garden to 31 & 33 Kensington Drive which are at a lower level.

The application proposes a single storey extension coming out 1.25m at the side set back 2.8m from the main front elevation. It would run along the side and project 2.7m past the rear elevation and then extend across the width of the property. The extension would form an extended kitchen/dining room.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - To the side the proposed extension would be set back 2.8m from the main front elevation and have a pitched roof forming a side gable wall. To the rear it would have a monopitch roof with roof lights and bi fold doors to the rear elevation. Materials would be to match the existing.

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 be considered. The site as existing has the frontage fully hardsurfaced for parking and which would not be affected by the proposal.

Residential amenity - The proposed side extension would run as blank wall alongside, and past, the rear elevation of No.519. It would not encroach a 45 degree line from the mid point of the closest ground floor rear window to this property which is to the party wall side. Closest to the site side is a door. To the opposite side, to the attached No.515, the proposed single storey would be blank wall and project less than 3m from the rear of this neighbouring property at 2.76m deep.

DELEGATED REPORT

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.

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 ZT23-196-00, ZT23-196-01, ZT23-196-02, ZT23-196-03, ZT23-196-04 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	08/11/23	DM	17/11/23