

DELEGATED REPORT

Report by Jane Langan	Date of report: 08/12/2022	Ref: 68949/FUL
Registration: 04/10/2022	LDFC: 15/11/2022	Expiry Date: 29/11/2022
Site Visit: 07/11/2022	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: Part single/Part two storey rear extension

Location: 24 Cann Street, Tottington, Bury, BL8 3PE

Description

The property is a semi detached dormer bungalow extended two storey at the side. It is set back from a single track road that is adopted highway and also public footpath 69TOT. There is garden to the front and a hardstanding area. Along the front of the site and the adjacent pair of semis is an area of on street parking. To the rear the site has a fenced garden which slopes down and borders the rear gardens to 3,5 & 7 Layfield Close. The adjoining property is No.22 and is extended single storey at the rear. To the opposite side 26 Cann Street is a two storey property and is extended two storey at the side.

The application proposes extending at the rear two storey 3m deep from the north side of the elevation and for 5.4m across. The ground floor would come out further extending a total of 5m in depth the full width of the rear. The extensions would form an extended kitchen and dining room at ground floor with an extended bedroom with ensuite at first floor. The plans also note a new small obscure glazed bathroom window to the existing first floor side elevation.

Relevant Planning History

37997 - Two storey side extension - AC 07/09/01

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 - The proposed two storey would have a dual pitched roof set below the main ridge. The deeper single storey would also be a dual pitched roof with roof lights. The rear elevation would have one main window at first floor and at ground floor bi fold doors with a feature window in the gable area at the top. Materials would be roof tiles and brickwork 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 proposal would not affect the existing parking arrangements.

Residential amenity - Where adjacent the boundary with the adjoining No.22 the proposed extension would be single storey and project as blank wall for less than 3m from the rear elevation of this property as extended. The two storey would be set in from the boundary and would not encroach a 45 degree line taken 1m out along the shared boundary.

To the opposite side is the extension to No.26 where the property and its rear boundary sit

forward of the existing side elevation of the site and as such the proposal would not have any significant impact. There would be an additional window added to the existing first floor side elevation of the site. It is noted to be obscure glazed and a condition is added for it to be retained as such.

The site boundary to the north shares a section to the boundary with the rear garden to 7 Layfield Close. The property itself is located around 34m away and the proposed extension where two storeys would be set in approximately 2-2.8m from the boundary with the side wall blank.

There would be a distance well in excess of 7m from the proposed first floor rear window to the boundary.

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 ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03, ZT22-196-04 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.
- 3 Before the first occupation of the extension hereby permitted the new window to the existing first floor north side elevation shall, as noted on approved plan ZT22-196-04, be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	08/12/22	DM	12/12/2022