

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 19/07/2022

Ref:68389/FUL

Registration: 29/04/2022

LDfC: 03/06/2022

Expiry Date: 24/06/2022

Site Visit: 13/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at rear

Location: 2 Myrtle Street South, Pimhole, Bury, BL9 7BZ

Description

The application relates to a two-storey semi-detached house on a residential cul-de-sac, bounded on three sides by the public highway, although surrounding properties are all residential. There is an existing two storey side extension and single storey rear laundry room that projects out 2.86m along the shared boundary. The rear yard includes an existing lean to structure the width of the house plus two small removable outbuildings including a storage shed and chicken coop. The attached neighbour has an existing small single storey kitchen extension at the rear.

Planning permission is sought for a single-storey extension that would project out 3.35m and have a monopitch roof. Materials would match existing plus patio doors opening out across the rear garden. There are no new side windows proposed.

There would be a separation of 2.8m to the rear boundary, although there is no new boundary treatment proposed.

Relevant Planning History

55466 - Two storey extension at side - Approved with Conditions 2012.

Publicity

Immediate neighbours notified by letter dated 12/05/2022 and 18/05/2022 sent to 8 (eight) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. Although situated at the rear, due to the curve of the public highway, the proposed extension would be readily visible from the public arena,

although its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing.

Additionally, the proposed extension would replace the existing lean-to structure and shed, resulting in an overall improved appearance as viewed from the public arena. In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed extension would project out from the existing building line in excess of 3m, beyond which the 45-degree rule would apply. However, the proposed extension would be built south of the existing laundry room extension and not be built not alongside the shared boundary with No.4 (north side) but alongside the highway boundary (side side). As such there is no material change in impact on the neighbour at No.4.
- The proposed extension would accommodate a new dining room with patio doors opening out onto the applicants own garden, and not directly overlooking any neighbours.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension is set off the highway boundary and is to the SE of the main house. The proposed extension would have some impact on part of the applicants own rear garden in the afternoons, but any overshadowing would not be seriously excessive above and beyond the existing situation.
- The proposed extension would result in a relatively small rear garden. However, this would be considered acceptable given that the footprint of the proposed extension largely replaces the existing lean-to structure, and therefore no material change in garden size.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. Additionally, the proposed extension would provide an improvement in terms of visual appearance and greater living space for a family home. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in 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 SHT 2 of 2 as submitted on 29/04/2022 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 proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to 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>
SGR	19/07/2022		