

DELEGATED REPORT

Report by Tom Beirne	Date of report: 27/03/2024	Ref: 70480/FUL
Registration: 02/02/2024	LDFC: 04/03/2024	Expiry Date: 29/03/2024
Site Visit: 12/03/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extensions at side/rear to both sides; New front porch; Alterations to elevations to include new facing brick to front elevation, render to side/rear external elevations and installation of new windows to rear elevation

Location: 2 Trimingham Drive, Bury, BL8 1HB

Description

The application relates to a brick built detached bungalow with attached single garage on a residential road characterised by two storey properties. The property is currently being renovated throughout and is vacant. The site is bounded by 1.8m fencing at the rear. To the west are rear garden boundaries of house fronting Brandlesholme Road. On the east side is No.4 Trimingham Drive, a two storey house.

The proposal involves adding a brick built porch to the front, re facing the timber gable at the front with brickwork and single storey flat roof (3m high) extensions on either side, extending out 4m beyond the rear elevation of the property. On the west side, the extension would run adjacent to the boundary with properties on Brandlesholme Road, leaving a 750mm gap between build and boundary and comprise new bedroom and en suite. The extension on the west side would provide a large double garage with a similar gap of 750mm to the side boundary with No.4 Trimingham Drive. Both extensions, together with the house, would be finished in a white render.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 09/02/2024. 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
PFE	Places for Everyone

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, including relevant policies in the emerging Places for Everyone Joint

Development Plan.

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 proposed extensions and alterations are relatively modest in scale and would not be out of keeping with the existing bungalow and would not be prominent within the streetscape. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

Residential amenity - The two single storey side extensions would be viewed from neighbours above the side boundary fences but the impact would not be significant given the flat roof design to a height of 3m and the setback of 750mm from the boundaries on either side. There are no windows on the side of the extensions overlooking neighbours. It is noted that there are no objections received from neighbours.

The proposal, in terms of residential amenity, is acceptable and complies with UDP Policy

H2/3 and guidance in SPD6 Extensions and Alterations.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 revised drawings numbered P01, P02, P03, P04A, P06A, P07 and P08 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>
Tom Beirne	27/03/2024	DM	27/03/2024