

Description

The property is a detached house located in a small cul de sac. It has accommodation over three floors, the second floor being dormers to the roof space. To the front is a detached double garage and two parking spaces. To the rear the property has a single storey section across the rear. Garden extends to the side and rear and there is a section at a higher level that contains a number of trees with Area TPO 247 covering the site. Beyond the rear boundary is open land within the Green Belt. The neighbouring No.17 is to the north side and is a detached house with a detached garage along the site boundary. No.11 to the opposite side is to the east side across from the site garage.

The application proposes a two storey extension at the rear. It would project 3m deep from the rear of the single storey at ground floor. This would then see the first floor 4.5m deep. It would provide a family room at ground floor, an extended bedroom and study at first floor and a dressing room at first floor off the existing master bedroom.

Relevant Planning History

51623 - 16 dwellings - AC 10/03/10

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

<SQLDCPolicyComRep>

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 - Located to the rear the proposed extension would not be visible from the front where this elevation would see no change. The proposal would have a dual pitched roof extending out from the existing ridge and forming a rear gable. There would be bi fold doors to the rear ground floor with windows above and a juliette balcony to the second floor. Materials would be brickwork and roof tiles to match. 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.

The extension would not be located in any area where there are protected trees however an informative is added to remind the applicant of the existence of the TPO.

Parking - The proposal would not increase the number of bedrooms, this would remain at 4. The second floor would be a master bedroom however an existing bedroom would be converted to an office. Parking would be as existing to the 2 car drive to the front of the double garage.

Residential amenity - The closest neighbouring property is No.17 located to the north of the side elevation to the site. The proposed extension would run adjacent the detached garage to this property and the house itself is angled away.

An additional window would be added to the south side first floor elevation. It would be to a bathroom and overlook the applicants own garden with no properties to this side. There are also no properties to the rear and there would be over 7m to the rear boundary of the site. 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.