

DELEGATED REPORT

Report by Jane Langan	Date of report: 08/12/2021	Ref: 67674/FUL
Registration: 18/10/2021	LDFC: 24/11/2021	Expiry Date: 13/12/2021
Site Visit: 16/11/2021	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor rear extension

Location: 7 Slaidburn Drive, Bury, BL8 3DG

Description

The property is a detached house located on a corner plot and has garden and a drive to the front. To the rear the elevation is single and two storey and the rear garden slopes down. The adjacent neighbour is No.9, a detached house, which has a dormer to the side facing the site and a window/door to the kitchen and then a bedroom window. It has a path to the side and is slightly higher.

The application proposes a first floor extension above the single storey at the rear 2.4m deep to bring it level to the main rear elevation. It would form a ensuite and extended bathroom.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from 9 Slaidburn Drive. Their concerns are that the proposal will cause loss of light to kitchen and contravene their 'right to light'

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 extension would have a pitched roof extending from the main ridge and forming a side gable wall. Materials would be roof tiles to match and white render to the walls as the existing property is to be rendered.

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 SPD11 Parking Standards need not be considered. The proposal would not affect the existing parking arrangements.

Residential amenity - The proposed first floor would run adjacent to the side elevation to No.9. This property has a kitchen window with door to the side that look out on to where the proposed first floor would be constructed. The window is the only one to the kitchen there are none to the rear elevation. SPD6 affords limited weight to side windows with SPD6 Aspect Standards protecting principle windows to main aspects. Whilst the proposal would impact on light and outlook to the kitchen to No.9 as it is a side window to a non habitable room it is not considered that there are grounds for refusal.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The issues regarding the proposals impact on light and outlook are addressed in the above report.

Right to Light is a legal matter for the person claiming it to pursue themselves.

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 P01, P02, P03, P04, P05, P06 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	08/12/21	DM	08/12/2021