

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/11/2020	Ref: 66051/FUL
Registration: 15/10/2020	LDfC: 12/11/2020	Expiry Date: 10/12/2020
Site Visit: 02/11/2020	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: Front porch extension; First floor side extension; Widening of driveway

Location: 6 Dempsey Drive, Bury, BL9 8PE

Description

The property is a bay fronted semi detached house located at the head of a cul de sac. It has a garden and drive to the front and is extended single storey at the side. There is a gap to the side of the house where there is a patio and a shed, this then leads around to a rear garden. Along the side and rear boundaries is fencing and some planting. The adjoining semi is No.5 and to the opposite side No.4 sits at an angle to the north east and is a detached bungalow whose side garden borders that to the site. To the rear the site garden borders the rear gardens to 19 & 21 Alexander Drive and a small section to 17 & 23.

The application proposes a first floor extension at the side running from the existing front to rear elevations. It would form two bedrooms. To the front the existing porch would be replaced with a new one 0.9m deep and 2.8m across with the roof extending across the existing ground floor at the front.

Relevant Planning History

None.

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 extension would leave a side gap at the front of around 3.6m to the boundary and the property is located at the head of a cul de sac. As such there would be no issues regarding terracing. The proposed extension would have a hipped roof extending from the main ridge with tiles to match the existing. The existing single storey at the side is rendered and the proposed first floor above would be rendered to match. The front porch would not project excessively and with a monopitch roof tiled to match the main roof.

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 increase the number of bedrooms to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive to the front and the plans note the intention to widen this and surface in permeable materials to provide an additional space. An informative is added for contact with the Operations Division. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The proposed first floor would be to the side to 4 Dempsey Drive, a bungalow which sits forward of the site with a garden at the side. The proposal would have

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a bedroom window to the side elevation at first floor. Generally windows are located on a principle elevation, the front or rear. In this case the site has a wide side garden and there would be a distance in excess of 7m from this proposed first floor window to the boundary at approximately 8.5m. The distance from the rear elevation to the boundary is around 1m shallower. This separation distance to the side garden to No.4 would comply with aspect standards of SPD6 and to note no concerns have been raised from No.4.

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 SW 275-100, SW 275-101, SW 275-103, SW 275-200, SW 275-201, SW 275-202 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	27/11/20	TB	03/12/20