

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 19/02/2025 | <b>Ref:</b> 71507/FUL          |
| <b>Registration:</b> 10/01/2025 | <b>LDfC:</b> 12/02/2025           | <b>Expiry Date:</b> 07/03/2025 |
| <b>Site Visit:</b> 18/02/2025   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** First floor rear extension

**Location:** 8 Starbeck Close, Bury, BL8 2UP

### **Description**

The application relates to a two storey detached house on a small residential cul-de-sac of similar styled properties. Single storey rear extension. Bungalows across the boundary and pedestrian walkway to the rear.

The proposed extension would extend above the existing single storey outrigger at the rear. Projecting out 4m and across 5.7m, it would have a hipped roof and finished in brickwork to match the house. It would accommodate an additional bedroom with en suite. The new bedroom window would face across the rear garden and would be 8.2m from the rear garden boundary with the property immediately to the rear - No.19 Rothbury Close.

### **Relevant Planning History**

N/A

### **Publicity**

Immediate neighbours notified by letters dated 22nd and 30th January. One comment received and set out below:

While I don't object to the actual extension, I strongly object to the placement of the large patio doors on the side elevation. This is directly in my view from the front of my house and upstairs bedroom

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions - N/A**

### **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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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** - In design terms, the proposed extension, with a hipped roof and finishing materials to match, would be in keeping with the existing house and would not be particularly prominent within the streetscape. The proposal is acceptable and complies with UDP Policy H2/3 and SPD6 in relation to extensions and visual amenity.

**Residential amenity** - The proposed extension at the rear projects out above the existing single storey extension. The new bedroom window facing the rear would be 8.2m from the rear boundary fence with the neighbour to the rear. This distance is in excess of the 7m minimum and is considered acceptable in terms of privacy and overlooking. The impact of the extension on neighbours on either side is not significant given the separation distances. The comments from the neighbour about the new ground floor patio doors in the existing outrigger and the impact on privacy are not considered material as they would not be considered 'development' and as such could be installed without planning permission. In any case, the impact would not be significant. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

**Public comment** - The concerns of the neighbour with regard to the patio doors in the existing single storey outrigger have been addressed above.

**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 A100/001, A101, A01/001, 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 and Places for Everyone Joint 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 19/02/2025  | HL -                    | 20/02/2025  |