

DELEGATED REPORT

Report by Jane Langan	Date of report: 01/07/2022	Ref: 68365/FUL
Registration: 21/04/2022	LDfC: 03/06/2022	Expiry Date: 16/06/2022
Site Visit: 10/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side/rear extension

Location: 53 Cunningham Drive, Bury, BL9 8PD

Description

The property is a semi detached house extended single storey at the rear. The front garden is fully surfaced for parking and to the side is a gated car port that leads down to a detached garage with an outbuilding to the rear of this. The neighbouring property to the side of the proposal is No.51. It has an attached garage at the side that runs into a single storey side/rear extension along the boundary with the site. There are no properties directly at the rear.

The application proposes to remove the carport and garage and construct a single storey extension that would run from the front elevation, along the side, and then project 8.1m beyond the existing single storey extension for 3.6m across. It would form a garage/store, utility and attached annexe with a lounge, kitchen and bedroom with ensuite for family members.

Relevant Planning History

63182 - Lawful development certificate for proposed single storey rear extension - Lawful Development 10/10/2018.

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 be flat roofed with the front elevation having the existing monopitch roof retained. The garage door would be replaced with a single door and the front finished in render to match the existing . Along the side the extension would be flat roofed with two roof lights and the walls in brickwork 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.

Parking - The proposal would add a bedroom within the annexe for the applicants elderly relatives. The front garden is fully surfaced for parking, which is at an angle across as the drive length from the front of the property is only 4.2m. There is no scope for additional parking to be created. The proposal would not affect the existing drive and the area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The proposed extension would run adjacent that to the side extension to No.51 and run as blank wall. Where the proposal would extend beyond the rear elevation of No.51 it would be replacing the existing site garage and be only 0.37m deeper. There would then be no serious impact on the amenity of this adjacent neighbouring property.

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 1,2,3,4,5,6,7,8,9,10 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> JL	<u>Date</u> 01/07/22	<u>Sign off Officer</u>	<u>Date</u>
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