

DELEGATED REPORT

Report by Amanda

Date of report: 07/11/2023

Ref:70024/FUL

Uhunmwagho

Registration: 18/09/2023

LDfC: 13/10/2023

Expiry Date: 13/11/2023

Site Visit: 12/10/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at rear

Location: 11 Southfield Avenue, Bury, BL9 5HS

Description

The application relates to a two storey mid-terrace property in a short row of five homes. At the front the property is accessed by footpath only and there is a small garden. To the rear is a yard with fences to both side boundaries and a detached garage to the rear.

The proposal is to build a single storey rear extension projecting 3.5m out from the original rear elevation and extending across the whole of the rear elevation. The roof would be mono-pitched. The walls would be constructed with brick and block and the roof would be tiled.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 09/2023 - No objections received and one comment received stating they are concerned about the noise and access to their property as well as the quality of work that will be done.

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

As the extension would be on the rear of the property it wouldn't be visible in the streetscene along the front of Southfield Avenue. It would be partially visible from the back street but the existing garage and rear boundary wall would screen a lot of the extension from public view.

The extension would be visible from the adjacent properties but as it would be built with materials and a design that would be considered to be in keeping with the existing building it would not have any significant detrimental effect in terms of visual amenity in the immediate area.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The single storey extension would be a sufficient distance from properties on Walmersley Road not to have any significant detrimental impact on residential amenity at those properties.
- The existing garage would remain in its current position and there is a back street separating the site from properties along Walmersley Road.
- The design of the row of houses is such that every other property is set back at first floor level and because of this there is a brick wall to both side boundaries projecting around 900mm from the rear elevation of the dwelling. This means that although the extension would project 3.5m from the original rear elevation of the dwelling it would only project around 2.6m along both adjacent boundaries. As this would be less than 3m it would satisfy the rules as set out in SPD 6 regards single storey rear extensions. As such it is considered that there would be no significant detrimental impact on residential amenity at both adjacent neighbouring properties.
- The agent has signed certificate A advising that all of the development would be built within the site boundaries and the plans show the side elevations set off the side boundaries. As such there would be no concerns regards encroachment.
- The proposed development would be built around 1.7m away from the existing garage to the rear and the area to the side of the garage would remain as it is currently meaning there would be sufficient amenity space remaining to the rear of the property after the extension would be built.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties and that it would be no more than 3m on the boundary.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the detached garage at the rear.

Response to neighbour comments -

An email was sent to the neighbour concerned on 07/11/2023 advising them that any concerns about people accessing their land would be a civil matter and that the building works would be inspected by either a Council Building Control officer or an Approved Inspector.

With regards to their concern about noise during the build they were advised that some level of noise is to be expected during the building works but if it was excessive they should report this to the Environmental Health team at the Council.

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 2040/1 and 2040/2 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 07/11/2023			