

DELEGATED REPORT

Report by Amanda

Date of report: 01/05/2025

Ref:71713/FUL

Uhunmwagho

Registration: 13/03/2025

LDfC: 09/04/2025

Expiry Date: 08/05/2025

Site Visit: 30/04/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Erection of detached garden building at rear

Location: 12 Hillstone Close, Tottington, Bury, BL8 4EZ

Description

The application relates to a detached bungalow on Hillstone Close, Greenmount. There front of the site is brick paved for parking, and there are a few areas of planting. There is a short wall and railings along the front boundary and the driveway access is open to the highway in front. There is an attached garage to the north site.

Access to the rear garden is via the south side of the property. The rear garden has fences to all boundaries, along with some planting and there is a small shed close to the rear boundary. The applicant had previously laid a concrete slab where the garden room would be built, but ceased works when they realised the building would require planning permission.

The detached garden room building would be located to the south east corner of the rear garden. It would measure 6m x 4.2m and it would have an overall height of 3.3m. The roof would be pitched and the wall would be finished with composite cladding. There would be bi-folding patio doors to the north elevation and two full length windows to the west side. The plans show that the building would be 700mm off the south and east boundaries.

Relevant Planning History

03036/E - Garden room for a gym and games room. We want to construct it as a dual pitched roof, where the eaves are 2.5m in height and raise the ridge to a maximum of 3.2m to gain adequate head height internally. - Approve

58199 - Single storey extensions at rear and side - Approve with Conditions 05/01/2015

Publicity

4 neighbours notified on 18/03/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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.

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.

The proposed composite cladded finishing would be considered to be a fairly common material used for the construction of this type of structure and as the garden room would be located in the rear garden it would not be readily visible in the public realm.

No.517 Holcombe Road to the rear has a lot of mature planting along the boundary which would screen most of the views of the garden room and at no.10 Hillstone Close next door there is a green house and there is also planting on the neighbour's side of the fence along the shared boundary. As such there would be limited views of the garden room from no.10. The design of the proposal is considered acceptable in this location.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The garden room would be set away from the south and east boundaries by 700mm. As such there would be no concerns regards encroachment on to neighbouring land.
- There would be no windows or doors in the south or west elevations, so there would not be any significant detrimental impact on privacy to neighbouring gardens.
- There would be patio doors to the north elevation but the separation distance to the north boundary with no.14 Hillstone Close would be acceptable as per SPD 6.
- As the garden room would be to the rear of the dwelling it would not interfere with existing parking arrangements within the site.

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

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 drive at the front of the site.

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 01 and 02 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

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Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

- 3 The external finishing materials for the proposal hereby approved shall be composite cladding as stated on the application form.

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 - 01/05/2025			