

DELEGATED REPORT

Report by Tom Beirne	Date of report: 28/03/2024	Ref: 70546/FUL
Registration: 23/02/2024	LDFC: 21/03/2024	Expiry Date: 19/04/2024
Site Visit: 26/03/2024	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 rear extension with render and balustrade balcony with steps

Location: 18 Alkington Close, Bury, BL9 8NP

Description

The application relates to a two storey semi-detached house at the head of a residential cul-de-sac. There is a conservatory and raised patio at the rear and detached single garage at the side/rear, adjacent to the shared side boundary with the neighbour at No.16 Alkington. The attached neighbour has not been extended to the rear and there is a 2/3m high hedge running along the shared side boundary on the neighbour's side. There is open farmland to the north-east across the rear boundary.

It is proposed to demolish the existing conservatory and construct a flat roof single storey extension across the rear elevation. It would be rendered and project out 4m with a height of approx 3.5m. Beyond the extension a new raised brick built patio area would be formed, projecting out 2.7m and 800, above the garden ground level.

Relevant Planning History

NA

Publicity

Immediate neighbours notified by letter dated 29/02/2024. No objections received.

Statutory/Non-Statutory Consultations - N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 - The extension would be modest in scale and in keeping with the existing house. Sited at the rear of the property, it would not be viewed from the public arena. In terms of visual amenity the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - Extending out 4m along the boundary with the attached neighbour with a maximum height of 3.6m at the highest point, the single storey extension would not have a serious impact on the attached neighbour (No.14), particularly given the presence of the mature hedge along the same boundary, which would be controlled by the neighbour. The neighbour on the other side, No.16, would not be impacted given that there is a garage along the boundary with this property. There is no direct overlooking of neighbours from the extension and there are no properties to the rear. The existing hedge along the shared boundary would mitigate any incidental overlooking from the new patio area. It is noted that there are no objections from neighbours.

The proposal, in terms of residential amenity, is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to alterations and extensions.

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 ZT24-196-01, 02, 03 and 04 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>
Tom Beirne	28/03/2024	HL	28/03/24