

DELEGATED REPORT

Report by Jane Langan	Date of report: 20/04/2022	Ref: 68106/FUL
Registration: 18/02/2022	LDfC: 18/04/2022	Expiry Date: 15/04/2022
Site Visit: 09/03/2022	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: Proposed part single storey part two storey rear extension.

Location: 68 South Cross Street, Bury, BL9 0RS

Description

The property is a mid terraced house. It has a single storey section across part of the rear and an enclosed yard that opens on to a back street. The adjoining No.66 is extended single storey at the rear along the boundary. To the opposite side No.70 is not extended at the rear and closest to the party wall side has its main windows at ground and first floor.

The application proposes an extension to the rear that would be 4.4m deep at ground floor infilling the area to the side of the existing single storey to be level. A first floor would be 2m deep and 2.6m across set in from each side boundary. The extension would form an extended kitchen and bathroom above.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 25/02/22. A further 21 day letter was sent 28/03/22 regarding the revised design of the proposed extension and set in of the first floor. 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 at ground floor and the first floor would have a dual pitched roof. Materials are noted to be tile and brick therefore a standard matching condition is added. Extending up to the depth of the existing ground floor there would be an acceptable area of outside amenity space remaining.

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 - There is no off street parking to the site.

Residential amenity - The adjoining No.66 is extended single storey at the rear. The proposed single storey would then project less than 3m from the extended rear of No.66. Where two storey it would effectively be as single storey to single storey and the proposed first floor would project only 2m deep and be set 1.2m in from the boundary. To the opposite side No.70 is not extended. SPD6 states that where an extension would be on or adjacent to the boundary of another dwelling it should not normally project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond a 45° angle taken from the boundary at the 1 metre point. The proposal has been revised to set the first floor in so it would not run on the boundary. It would encroach the 45 degree line taken 1m out along the boundary however the set in would now see the proposed extension not encroaching the 45 degree line from

the mid point of the adjacent windows to No.70. As such there would be no significant loss of light and the proposal would not be unduly overbearing. In addition No.70 is located to the south of the proposal and therefore due to its orientation there would be no significant overshadowing to the rear yard to this neighbouring property. A further material consideration in terms of the single storey to No.70 is the larger homes scheme which can allow a single storey extension up to 6m deep where there are no objections. None have been received in this case.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal would not conflict with the purposes of 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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 RAD/2599/22/1/RevA 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.
- 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> JL	<u>Date</u> 20/04/22	<u>Sign off Officer</u>	<u>Date</u>
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