

DELEGATED REPORT

Report by Helen Pressley	Date of report: 19/01/2023	Ref: 68987/FUL
Registration: 17/11/2022	LDfC: 16/01/2022	Expiry Date: 12/01/2023
Site Visit: 15/12/2022	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 rear and side extension

Location: 67 Craven Street, Bury, BL9 7PP

Description

The application relates to an end terraced dwelling located on Craven Street. The property has garden areas to the front, side and rear. The premises has an existing outbuilding located to the side/rear of the main dwelling that appears to have been previously accessed from Back Rochdale Old Road but has since been bricked up. This outbuilding currently has no roof.

Planning permission is sought for the construction of a single storey rear extension that projects approximately 4000mm, and would connect to the existing outbuilding. A new flat roof is also proposed for the existing outbuilding.

Relevant Planning History

None

Publicity

Neighbour letters sent 1/12/2022

Additional neighbour letters sent 06/01/2023

No representations 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

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 extension would be visible from Craven Street, Alder Avenue and Back Rochdale Old Road. The proposed extension would have a pitched, gable roof replicating the shape and style of the original property and would match the original and neighbouring properties in relation to materials. The proposed flat roof for the existing outbuilding, would replace an old flat roof and is therefore considered to be acceptable. The proposed windows and doors are considered to be suitably aligned. The proposed extension would not overwhelm the original dwelling or result in the overdevelopment of the associated residential amenity space.

It is therefore considered that the proposed extension would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Side window and door facing towards the shared boundary with no. 65 would relate to

non-habitable rooms (hall and bathroom) and as such no undue overlooking is foreseen.

- The proposed front habitable room window (bedroom) would be sited further back than the existing living room window at the property and as such no undue overlooking is foreseen.
- The proposed extension would project more than 3 metres from the rear of No. 65 (5.8 metres), and would impact on a 45 degree line as taken from the nearest ground floor habitable room window of this property. No objections have been received from the attached property, and the proposal would project under 6 metres. Given the larger homes prior approval process this projection is therefore considered to be acceptable.
- It should also be noted that the habitable room window of No. 65 is sited adjacent to a two storey brick wall associated with the host property that is likely to have more of an impact on the window than the proposed extension that is sited off the shared boundary, and has a gable roof that slopes away from this boundary.
- The proposed rear elevation is sited approximately 15 metres from the rear of the properties on Rochdale Old Road exceeding the 6.5 metres required by SPD 6.
- There are no residential properties located directly to the east of the site.

Other Considerations

The proposal appears to provide ancillary ground floor accommodation at the property. SPD 6 considers that family annexes should:

- normally be physically connected to the main property with a
- direct interior link;
- remain ancillary to the original dwelling at all times;
- not have separate vehicular access;
- only have one bedroom; and
- be appropriate in scale and position in relation to the plot and
- original dwelling.

The proposal would comply with the above, and as such is considered to be acceptable.

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 SHT 1 of 2 and SHT 2 of 2 Rev A 06/01/2023 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.

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- 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>
Helen Pressley	19/01/2023		