

DELEGATED REPORT

Report by Tom Beirne	Date of report: 13/11/2024	Ref: 71202/FUL
Registration: 14/10/2024	LDFC: 07/11/2024	Expiry Date: 09/12/2024
Site Visit: 12/11/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension

Location: 2 Langdale Drive, Bury, BL9 8HP

Description

The application relates to a two storey semi-detached house on the corner of Langdale Drive and Sandown Road. Single storey outrigger at the side. Vehicular access from Langdale Drive. The attached neighbour is No.3 Sandown Road, extending off the rear/east elevation. To the north is the unattached neighbour at No.4 Langdale Drive whose driveway runs along the shared side boundary. This property has no habitable room windows on the side gable.

The proposal involves demolition of the existing single storey outrigger and the construction of a single storey extension projecting off the side gable to the side boundary on the north side. The extension would project out 4.1m and run 7.3m front to rear and have a shallow mono-pitched roof to a maximum height of 3.5m. Finished in brick and tile to match the house. It would accommodate a dining room and utility/WC.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 16/10/2024. One comment received from the neighbour at No.4 Langdale Drive.

Neutral position in relation to the building of the single story extension but queries the exact boundary fence line.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), 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 PpE 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.

Visual amenity - The proposed extension is of an appropriate size and scale and in keeping with the existing house and wider streetscape. Finishing materials are brick and tile to match the house. The extension is acceptable in terms of design and appearance and complies with UDP Policy H2/3 and associated guidance in SPD6 Extensions and Alterations.

Residential amenity - The extension is single storey and to the side of the house. The adjacent neighbour at No.4 Langdale Drive has no habitable room windows in the facing gable.

The extension would project 4m along the shared boundary with No.3 Sandown Road. This boundary forms the side garden boundary and there is a shed adjacent to this fence. There are no windows on the rear wall of the extension adjacent to the shared boundary with No.3 Sandown Road and the roof is mono-pitched from an eaves height of 2.5m to a maximum height of 3.4m at the existing gable. Although the projection this shared boundary is 4m, the

height and size is not so significant an impact on either habitable room windows on the rear elevation or the rear garden area as to warrant refusal. It is also noted that there are no objections to the extension from the neighbour at No.3 Sandown Road.

The proposal is acceptable in terms of residential amenity and complies with UDP Policy H2/3 and associated guidance in SPD6.

Neighbour comment - The comments from the neighbour at No.4 Langdale Drive relate to the boundary rather than the extension. The extension would be built entirely behind the existing boundary fence as indicated in the plans. Any dispute with regard to the line of the boundary would be addressed by reference to existing property rights.

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 LDD:001, 002, 003, 004, 005 and 006 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 and Places for Everyone Joint 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	13/11/2024	HL -	15/11/2024