

## **DELEGATED REPORT**

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| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 20/11/2024 | <b>Ref:</b> 71225/FUL          |
| <b>Registration:</b> 14/10/2024 | <b>LDfC:</b> 13/11/2024           | <b>Expiry Date:</b> 09/12/2024 |
| <b>Site Visit:</b> 12/11/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear conservatory and front porch

**Location:** 2 Beech Grove Close, Bury, BL9 6ES

### **Description**

The application relates to a two storey semi-detached dwellinghouse on a road of similar properties. The attached neighbour at No.4 Beech Grove Close has not been extended and has patio doors adjacent to the shared side boundary which comprises a timber panelled fence. The rear garden is bounded by a 1.8m timber panelled fence. Small garden shed on the shared side boundary with No.4, the attached neighbour.

The proposed porch would have pitched roof and a footprint measuring 2.5m by 1.4m. Brick to match the house.

The conservatory would project out 4m and run 5m across the rear elevation. it would have a hipped roof to a height of 3.7m. Brick base with glazing above.

### **Relevant Planning History**

66111 - Single storey extension at rear - Refused 04/12/2020

66327 - Single storey extension at side with front porch and widening of existing driveway - Approve with Conditions 10/02/2021

66740 - Lawful development certificate for proposed erection of 3 m deep rear single-storey extension full width of original house, and extension of the existing porch to increase to 3sqm total - Lawful Development 17/05/2021

### **Publicity**

Immediate neighbours notified by letter dated 22/10/2024. No objections received.

### **Statutory/Non-Statutory Consultations**

Estates Consultancy - No comment.

**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 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.

**Visual Amenity** - The proposed porch on the front would be modest in scale and in keeping with the house and streetscape. Materials to match. The conservatory would not be overly large and would not be viewed from the public arena. The proposal is acceptable and would comply with UDP Policy H2/3 and guidance relating to extensions and alterations.

**Residential Amenity** - The conservatory windows along the shared side boundary with the attached neighbour at No.4 Beech Grove would be required to be obscure glazed by a suitable condition to reduce overlooking towards the neighbour. It is noted that there are no objections from neighbours. The proposal, with an appropriate condition, would be acceptable in terms of residential amenity and comply with UDP Policy H2/3 and guidance relating to extensions and alterations.

**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 Sheet 1 and 2 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 Before the first use of the conservatory hereby permitted the windows on the south/side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

|                                    |             |                                        |             |
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| <u>Case Officer</u><br>TB 20/11/24 | <u>Date</u> | <u>Sign off Officer</u><br>DM 20/11/24 | <u>Date</u> |
|------------------------------------|-------------|----------------------------------------|-------------|