

DELEGATED REPORT

Report by Amanda

Date of report: 29/06/2022

Ref:68299/FUL

Uhunmwagho

Registration: 28/04/2022

LDfC: 25/05/2022

Expiry Date: 23/06/2022

Site Visit: 21/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 78 Heywood Street, Bury, BL9 7EA

Description

The application relates to a two storey mid-terrace property fronting on to Heywood Street. There is a yard to the rear of the dwelling with brick walls to both side boundaries. To the rear boundary there is currently a pedestrian gate and garage style door. There is a existing single storey outrigger to the rear and a lot of the rear yard is covered with a canopy.

The proposal is to build a single storey extension off the rear of the existing outrigger to form a new kitchen and ground floor bathroom. It would infill the gap between the existing building and rear boundary. It would measure 3.2m wide and 6.7m long. The roof would be mono pitched and the rear elevation would be built right up to the rear boundary.

Relevant Planning History

N/A

Publicity

Neighbours notified on 04/05/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 extension would be built on the rear of the existing dwelling and therefore only partially visible from the back street and neighbouring rear yards. The design and finished materials of the proposed extension is considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The proposed extension would project around 4m beyond the rear outrigger at no.76 Heywood Road next door. This neighbour has not objected to the proposal and the site is due north of the rear yard to this property. With this in mind there would be no significant detrimental effect on residential amenity at this property.

- The plans show that the south side elevation would be built off the shared boundary with no.76 next door so there would be no concerns regards encroachment on to land at no.76.
- There would be a new kitchen window and door installed to the north side elevation along with a bathroom window. Any views from these windows would be towards the boundary wall only and as such would not have any significant detrimental effect on residential amenity at no.80 next door.
- The existing kitchen would become a dining room and the existing window would remain. Like the newly installed windows any views from this room would be towards the boundary wall and so despite the sub-standard distance from the window to the boundary, in terms of habitable room windows it would not have any significant detrimental impact on privacy levels between the two properties.
- The agent has shown that all of the extension would be built wholly within the site boundaries and certificate A submitted with the application. With this in mind there would be no concerns regards encroachment on to any neighbouring land.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of residential amenity.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. However, it is noted that although the parking space at the rear of the property is not currently used as a parking area it could be and if the extension is built the parking space within the site would be lost.

The area is high access in terms of public transport and there are many terraced properties in the immediate vicinity without on site parking. There is ample on street parking available nearby.

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 Sheet 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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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>
AU - 29/06/2022			