

## **Description**

The property is a large two storey semi-detached Victorian house built in a deep red brick with an existing single storey side extension which is a morning room. The property is built at a higher level to Clifton Road to the front and there is no parking on site at all. There is on-street parking on Clifton Road. Properties to the front are well over 20 metres in distance from site.

Planning permission is sought for a single-storey extension to the side of the property to replace the existing conservatory. The development would have the exact same footprint (4m x3.2m) as the existing conservatory and accommodate a garden room. The proposed development would be constructed using matching materials and would have a flat roof with rooflight.

## **Relevant Planning History**

48184 - CHANGE OF USE FROM HEALTHCARE DAY CENTRE (CLASS D1) TO RESIDENTIAL (CLASS C3) - Approve with Conditions 23/07/2007

50951 - TWO STOREY SIDE AND REAR EXTENSION - Approve with Conditions 27/02/2009

52834 - Application to extend the time limit for implementation of planning permission

43686 for building of changing rooms/clubhouse and development of football pitches -

Withdrawn - Invalid 11/01/2011

14/0415 - Extension to front elevation.

- 12/01/2015

## **Publicity**

Neighbour letters sent. No objections received.

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

Conservation Officer- No objections.

The site is not within a conservation area.

## **Pre-start Conditions**

N/A

## **Unitary Development Plan and Policies**

<SQLDCPolicyComRep>

## **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**

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The application relates to a detached dwelling located on 84 Clifton Road. The extension would be built on the side of the property and would therefore be visible from the street scene at the front. However, It would be constructed with matching materials and a design that would be considered in-keeping with the existing property as well as surrounding properties.

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**

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

- The extension would replace the existing conservatory and would have the exact same footprint as the existing structure. Therefore, any impacts on the residential amenity would not be above and beyond the existing situation. Furthermore, as there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring

properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.