

Description

The property is a large stone detached house with a gravelled parking area at the front and a stone boundary wall along the frontage with planting to the rear of it. There is also garden to the sides and rear with hedges to the boundaries. The neighbouring properties bordering are 240 Holcombe Road to the south west side. To the opposite side and rear are 2, 4 & 14 Shepherds Close.

The application proposes an outbuilding to the north east corner of the rear garden and which has already been substantially constructed. It would have a footprint of 6m by 4m and be flat roofed to a height of 2.85m. The building would form a gym.

Relevant Planning History

53330 - Demolition of existing dwelling and erection of 1 no. dwelling - AC 03/12/2010.

53807 - Non-material minor alteration following grant of planning permission 53330 to reduce the size of footprint, reduce total height; change to window fenestrations; elevational treatments. - Approved 04/04/2011

54730 - Demolish existing wall at front and rebuild to height of 1.5 metres together with new gates - Refused 13/03/2012.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The building would be located in the north east corner of the rear garden and as such would not be readily visible from the main street view. With a footprint of 6m by 4m and to a height of 2.85m it would be of average size for a domestic outbuilding. The roof would be flat with dark grey aluminium flashing, and the walls dark brown composite cladding and with glazed sliding doors.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not affect the existing parking arrangements.

Residential amenity - The building is proposed to the corner of the garden that borders 2,4 and 14 Shepherds Close. The walls are blank with the doors facing into the site garden. At 2.85m high the building would not be significantly higher than the 2.5m that one could be constructed under permitted development. Currently there are conifers within the site garden that screen these neighbouring properties.

As such there would be no serious impact on the amenity of these adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.