

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/01/2023	Ref: 69071/FUL
Registration: 01/12/2022	LDfC: 23/12/2022	Expiry Date: 26/01/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front extension and Part single/Part two storey rear extension

Location: 5 Hampson Mill Lane, Bury, BL9 9UA

Description

The property is a two-storey semi-detached dwelling located in Hampson Mill Lane. The premises has a drive to the front and a private garden to the rear. There are no properties directly to the rear of the site and the adjoining property (No.3) has an existing single storey rear extension. On the opposite side No. 7 Hampson Mill Lane is well setback from the site.

The applicant proposes to build a single storey front extension and a part single, part two-storey extension. The front extension would project 2.3 metres to the front and run 3.2 metres to align with the existing garage. The single storey rear element would project 4 metres from the original rear elevation and would run the entire width of the property. On the first-floor level, the extension would be slightly smaller cutting through only a small rectangular section of the footprint of the single storey extension. The proposed developments would all have pitched roofs and would be constructed with matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary 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) 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 proposed single storey front extension would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties. Situated to the front, the single storey rear extension would have simple and unobtrusive design, which would not detract from the character of the dwelling.

The part single, part two-storey rear extension would be built with matching materials that would complement the existing building. This is a design which is commonly found on this type of property and as such, there are number of properties with similar developments within this street. The proposed development would be built in the rear yard of the property and would not be visible in the street scene at all.

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

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed front extension would be overlooking the highway and there would be over 20 metres to the nearest property in front. Therefore, there would be no serious impact on the amenity of any adjacent neighbouring properties.
- There are no properties to the rear of the site. Furthermore, the proposed rear development would project as blank wall on both the ground floor and first floor levels along the sides of adjacent properties. given there would be no proposed side windows, this would be acceptable.
- The adjoining property has extended a single storey at the rear and therefore the section of the proposal that projects past their rear elevation would be effectively as single storey to single storey. The extension would not be seriously excessive above and beyond the existing situation when the 45-degree rule applied.
- There would remain an acceptable amount of outdoor private amenity space.

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 separation distance to the surrounding properties.

Highways

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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, 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 Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

DELEGATED REPORT

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>
MW	19/01/2023		