

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/06/2022	Ref: 68103/FUL
Registration: 28/04/2022	LDfC: 01/06/2022	Expiry Date: 23/06/2022
Site Visit: 28/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at rear; First floor extension at side

Location: 29 Chestnut Avenue, Tottington, Bury, BL8 3EE

Description

The application relates to a two storey semi-detached house on a residential road of similar properties. Driveway/hardstanding to the front and single storey outrigger to the side. There is also a large outbuilding at the rear of the back garden. The attached neighbour at No.31 has not been extended and the neighbour on the other side .

The proposed two storey extension at the side would be flush with the front of the existing house and run back to wrap around the rear elevation. At the side the extension would project out to the shared side boundary with the pitched roof at the same height as the main roof. At the rear, the two storey extension would project out 4.2m and leave a gap of 2.6m to the side boundary with the attached neighbour at No.31. These measurement are taken from the proposed elevations but it is noted that the measurements on the site plan differ significantly.

The proposed finish to extension and house would be a K-render and tile.

Relevant Planning History

66520 - Two storey rear extension; Single storey side extension with pitched roof - Withdrawn by Applicant 03/06/2021

Publicity

Immediate neighbours notified by letter dated 10/05/2022. One objection from a neighbour. The rear extension would be visually overbearing to say the least, and along with loss of light and privacy be of significant impact.

The new building will remove remaining views and a significant amount of light, this will also impact my relaxation and downtime as this outside space is used to relax and on some occasions entertain.

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.

Plans - The plans are very poor with little detail and are inconsistent. As a result., it is difficult to properly assess the scheme in terms of its appearance within the streetscape and in relation to the impact on neighbours.

Visual amenity - As the existing house is set back from the neighbour at No.29, there is unlikely to be a major issue with regard to the appearance of terracing, although the plans are so poor that it is difficult to assess the impact fully. The proposal is therefore considered to be unacceptable in terms of visual amenity and conflicts with UDP policy H2/3 and associated guidance.

Residential amenity - Similar problems arise when assessing the plans in relation to the impact on residential amenity as they do for visual amenity. Notwithstanding this, whilst the

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extension quite visually dominant, it is set off from the boundary with the attached neighbour (No.31) and may comply with the 45 degree rule when measuring from a habitable room window. The impact on the garden area of this neighbour is significant but on balance may not be so significant as to warrant refusal, given it is set off from the shared boundary. There is no direct overlooking of neighbouring properties from habitable rooms.

On the other side, the extension abuts the shared boundary with No.29 and would have a significant impact on the rear garden area. In terms of projection, the two storey extension would project over 9m along the shared boundary beyond the rear elevation of the neighbour at No.29 (this is taken from the proposed site plan). On balance, an extension of this size would be extremely overdominant when viewed from the garden of No.29 and would be conflict with UDP Policy H2/3 and associated guidance.

Objection - The concerns of the objector have been addressed in the above report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed extension would be seriously detrimental to the residential amenities currently enjoyed by the occupier of the neighbouring property, by reason of its size and position along the shared boundary. The proposed development therefore conflicts with the following policy H2/3 of the Bury Unitary Development Plan: H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The submitted plans are of insufficient quality, contain insufficient information and details and are inconsistent. The application therefore cannot be properly assessed and conflicts with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/06/2022		