

DELEGATED REPORT

Report by Oliver Sear	Date of report: 08/10/2020	Ref: 65915/FUL
Registration: 01/09/2020	LDFC: 01/10/2020	Expiry Date: 27/10/2020
Site Visit: 05/03/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension

Location: 104 Booth Way, Tottington, Bury, BL8 3JT

Description

the application relates to a semi-detached dormer bungalow located on Booth Way. The dwelling has an open garden area to the front, with off street parking along the side of the dwellinghouse. There is an area of private residential amenity space to the rear.

To the North the attached neighbour is 102 Booth Way. There is a small ginnel to the South before No. 106 Booth Way. At the rear the boundary is shared with No. 25 Sheep Gate Drive with the dwellinghouse located further to the North than the applicant dwellinghouse. Across the Highway is No. 57 Booth Way.

The applicant seeks to create additional living space by adding a two storey side extension in the form of a ground floor and dormer bungalow keeping the design of the original dwellinghouse. This would cover the entire length of the house and project approximately 2.5 metres right against the boundary. The roof would match the design of the existing roof and the proposed materials would match those existing. There would also be alterations to the front of the property creating added off street parking.

Relevant Planning History

02416/E - Two storey side extension - Enquiry completed 19/03/2020

Publicity

Neighbour letters sent 09/09/2020 - One comment from No. 57 Booth Way stating no objections to the proposal

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

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

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.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance however there is an existing ginnel separating the site from the neighbouring property, that is also adopted highway. As such, there is an established and protected gap between the two properties that would prevent the uncharacteristic linking up of dwellings. In this instance therefore it is considered that the requirement for a 1.5 metre set back at first floor could be relaxed, as the ginnel would remove the terracing effect on the street.

The shape and style of the proposal would be in keeping with the street scene as it would match not just the existing dwellinghouse but also the dwellinghouses on the same side of the street. The materials would match the existing dwellinghouse and as such would be acceptable.

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The visual amenity of the proposal would comply with policies outlined in SPD6 and the Bury UDP and would be acceptable.

Residential Amenity

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

There would be no encroachment at the front or back over a 45 degree angle from neighbouring dwellinghouses complying with guidance as set out within SPD 6.

The proposal would not create any side windows complying with guidance as set out within SPD 6.

There would be a 12 metre distance to the rear boundary meeting the 7 metre requirement of SPD 6 to limit overlooking.

There would be approximately 21.5 metres to the dwellinghouse across Booth Way and as such it is considered the proposal would have no significant impact on the residential amenity of properties across the highway.

Parking

The proposal would remove existing off street parking at the side of the house. There would be proposed works to increase the parking provisions at the front of the dwellinghouse taking the provision to 3 spaces which would be acceptable in terms of parking.

The application is considered acceptable and meets the requirements of the Bury UDP policies and SPD6.

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 1, 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.
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>

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19/10/2020