

DELEGATED REPORT

Report by Mo Warsame	Date of report: 28/08/2024	Ref: 70824/FUL
Registration: 19/06/2024	LDFC: 11/07/2024	Expiry Date: 14/08/2024
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: First floor extension to existing detached outbuilding with external staircase at side

Location: 183 Parkhills Road, Bury, BL9 9AF

Description

The property is a semi detached house with drive to the front/side and detached garage to the rear. The rear garden is fenced to the front of the garage and there is fencing along the rear boundary to the rear of which is planting and some trees and adjacent a small section of the rear garden to 200 Wellington Road.

To the south side is the unattached neighbour 181 Parkhills Road. It has a detached garage to the boundary which is set forward to that at the application site.

To the opposite side No.185 is attached and the rear garden to this and the site are unfenced along the boundary.

The application proposes to increase the height of the existing roof by 0.7m to accommodate an additional floor. This floor would facilitate a play area, and the ground floor area would stay as a gym. The internal footprint of the outbuilding would be increased. However, externally there would be a 1.2m extension to the side to accommodate enclosed staircase that would be used to access the proposed first floor extension. The plans have been amended from the original submission to include enclosed staircase.

The development would be constructed with matching materials and would have a hipped roof.

Relevant Planning History

51631 - DETACHED GARAGE - Approve with Conditions 27/08/2009

60142 - Two storey extension at rear - Approve with Conditions 24/06/2016

60143 - Two storey extension at rear - Approve with Conditions 24/06/2016

61493 - Extension to existing detached garage - Approve with Conditions 19/06/2017

62204 - Non-material amendment to approved planning permission 61493:

Additional doorway, deletion of window. (dimensions and materials as approved) - Approve with Conditions 06/12/2017

67813 - First floor extension at front above existing porch; Balcony at rear - Approve with Conditions 15/02/2022

09/0187 - ERECTION OF GARAGE - 18/05/2009

17/0440 - Applications not being built in accordance with approved plans 60142 & 61483 - 27/11/2017

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 complements 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 development would be simple and unobtrusive design and would not detract from the character of the main dwelling. The outbuilding would not be increasing its internal footprint. However, it would increase its height from 5m to 5.7m to accommodate an additional storey. This would be considered a modest increase in height and as such would not lead to any detrimental visual impacts. Whilst, in principle the proposed development would be acceptable, the proposed external staircase with its open platform to access the first-floor level would be unacceptable, given it would be directly facing towards the private amenities of the adjacent properties.

Following negotiations with the agent, amended plans showing an enclosed staircase has been submitted. This would mitigate any privacy issues and would provide a better design overall. With the revised design and matching materials, the proposal would be considered acceptable and would not be detrimental to the street scene.

The application also states the applicant to be the owner of the adjoining semi. As such there would be no serious impact on the amenity of any adjacent neighbouring properties. As with the previously approved garage a condition is added for domestic use only. The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Therefore, the single storey extension to the rear would be considered suitably in design and modest in scale.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

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

The proposed outbuilding would only increase its footprint by 1.2m to the side (south) and this would be due to the revised enclosed staircase used to access the proposed first floor level. extended footprint to the side into the site garden and to the front. Additionally, there would be an increase in the roof's ridge height of approximately 0.7m however the garden of the adjacent property (No.181) is located along the south side and therefore the proposal would not cause any significant loss of light or overshadowing. There are no properties directly to the rear and the proposal would only be located adjacent a small section of the garden to the property to the rear on Wellington Road.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental

conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 dwg no. 24/774/02AB, dwg no. 24/774/03A 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.
- 4 The outbuilding hereby permitted shall be used for domestic purposes only. It shall not be used in part or whole for any commercial or business use.
Reason. In the interests of amenity having regard to the location of the site pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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	28/08/2024	DM -	29/08/2024