

DELEGATED REPORT

Report by Jane Langan	Date of report: 20/01/2022	Ref: 67769/FUL
Registration: 18/11/2021	LDfC: 09/12/2021	Expiry Date: 13/01/2022
Site Visit: 20/12/2021	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: Demolition of side garage; Single storey rear extension; Two storey side extension; Front porch

Location: 12 Jesmond Drive, Bury, BL8 1EE

Description

The property is a two detached house located at the top of a cul de sac. It has an attached flat roofed garage at the side which runs into a utility room at the rear. There is a drive and garden to the front and garden to the east side and rear. The neighbouring property to the side of the proposal is No.10, a semi detached house with its drive and attached garage alongside the site. Its first floor side elevation has an obscure glazed window. To the rear the site boundary borders the rear gardens to 2-8 Throstle Grove.

The application proposes to remove the garage and construct a two storey side extension. It would run from the front to rear elevations at first floor. The ground floor would project 0.9m deeper at the front for 6.5m across and include a porch. To the rear a single storey would project 3m deep across the existing and extended rear elevation. The extensions would form a porch, playroom, utility and extended kitchen and living area at ground floor with 2 bedrooms at first floor and an existing one becoming an ensuite.

Relevant Planning History

None.

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

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 and design - The proposed two storey would be built to within 0.5m of the side boundary. Located to the top end of a cul de sac, and on a short row, terracing would not be an issue. The extension would have a pitched roof running from the main ridge and forming a side gable wall. The single storey to the rear would be flat roofed with roof lights and bi fold doors to the rear and garden side. Materials are noted to be brick and render. A standard condition is added for the brick to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive to the front and the existing parking would be retained with a drive 6.8m in length. There may be potential for a further space to be created to the garden area should the applicant require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient

Residential amenity - The proposed two storey extension would run along the side elevation to No.10 which has a garage along the side and the main house one obscure window to the first floor side. It would not extend past the front or rear elevations of this property. To the rear the proposed single storey would project less than 3m from the rear of No.10. The side elevation of the proposal would be all blank wall.

To the rear there would be 7.2m from the proposed first floor bedroom window to the boundary which would be sufficient to comply with aspect standards.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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

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 P.001, P.002, P.003 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 areas of brickwork for the extension hereby approved shall match that 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> JL	<u>Date</u> 20/01/22	<u>Sign off Officer</u>	<u>Date</u>
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