

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 11/07/2022

Ref:68222/FUL

Registration: 16/03/2022

LDfC: 22/04/2022

Expiry Date: 11/05/2022

Site Visit: 01/04/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side, single storey extension at rear, steps to front entrance and raised patio area at rear, fence 2.1m high alongside patio

Location: 4 Shipper Bottom Lane, Ramsbottom, Bury, BL0 0DB

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties which is also a hillside. The floor level of the main house is raised approximately 51cm above ground level and there is an existing detached garage to the side, albeit at a lower level. The attached neighbour has an existing conservatory extension at the rear and the neighbour on the other side is as originally built. The shared boundary with the attached neighbour has an existing fence 1.7m high. The south facing front of the property overlooks open countryside.

Planning permission is sought for a two-storey extension that would project out at the side to just over 1.1m from the shared boundary and have a hipped roof built slightly lower than the existing roof. Due to excavation of the front garden for the widened driveway the floor level of the main house would be effectively 1.16m above ground level and there would be new steps with an S-steel & etched glass handrail. Additionally, underneath the side extension there would be underfloor storage. The detached garage would be demolished to make space for the extension.

At the rear a single storey extension would project out by 2.76m with a monopitch roof and aluminum bi-fold patio doors at ground floor with new patio overlooking the rear garden. The first-floor section would be finished in a K-render antique white fine textured finish. All other materials would match existing. The front and rear first floor windows would incorporate a gable roof design to match overall style of the main gable frontage while there are no new side windows proposed.

There would be a separation of between 5m - 10m to the rear boundary, which is positioned at an angle, although there is no boundary treatment proposed.

It should be noted that the amended description included a fence for 2.4m high, which should have read 2.1m high. Although the higher incorrect measurement was used on the amended neighbour letters, the correct measurement being lower than this means further neighbour notification is not necessary.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 31/03/2021 sent to 4 (four) neighbours. One objection was received.

- Concerns with the original rear extension blocking light onto our property and now the addition of a 2.4m fence along the raised patio border will block light and view entirely.
- The planning proposal also shows a 1.75m fence but the recent letter states 2.4m.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to storage of construction materials, parking and bin storage arrangements, porous/permeable material, and to reinstate the adjacent Public Right of Way to its former condition.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. The rear section of the proposed extension would not be visible from the public arena, and the design and scale is considered to be appropriate for this property.

Similarly, the side section of the proposed extension would be readily visible from the public arena, and it is considered that the design and scale is appropriate for this property and streetscene. The proposed front and rear first floor windows would both incorporate a wall-dormer design that would generally complement the overall style of the existing pike details above the existing windows of the main house. Additionally, the existing stairway window would be increased in height albeit the same width to allow more natural light.

Materials would match existing plus rendering for the first-floor section. Windows would have UPVC frames colour Ral 7016 (Anthracite), while new doorframes would be aluminium and UPVC colour Ral 7016, and the front entrance would have new steps and an S-steel & etched glass handrail. It is considered that these materials would be acceptable for this type of property.

In this respect the proposed extension would comply with UDP Policy H2/3 and associated guidance in SPD6.

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

In terms of overlooking and privacy to the rear, the 10.2m separation distance to the rear boundary from new first floor habitable bedroom window is considered to be acceptable and complies with aspect standards outlined in adopted guidance within SPD6.

The proposed new ground floor habitable dining room window would be approximately 6.6m apart from the rear boundary, and although there is no aspect standard for a single storey rear extension to the boundary, it is considered that the rear hedge and boundary fence would reasonably prevent overlooking/ loss of privacy.

The proposed extension would project 2.22m from the rear elevation of the existing dwelling and would project 0.7m less than the existing conservatory extension at No.2. Additionally, the proposed single storey extension would be level with the existing rear elevation of No.6. As such, the proposed extension would not have an adverse impact upon either neighbour.

At the rear the applicant proposes to include a new patio height 0.4m above ground level alongside the boundary (or a height of 0.6m at the downhill end away from the boundary). The proposed patio would include steps from the garden leading up to the ground floor level of the house. Along the boundary there is an existing fence approximately 1.7m high and being located on a hillside the applicants rear garden is lower than No.2. The height of the proposed fence would be 2.1m high, for which the height above the proposed new patio level (1.7m) would be the same height as existing from ground level (1.7m), as such there is no increase of overlooking from No.4 over No.2. Additionally, this means that there is no increase in overlooking from No.2 over No.4. As such it is considered that the proposed privacy screening would be acceptable.

Similarly, although the applicants rear garden bounds No.84 Bury New Road, it would be set 2.6m from the shared boundary and that neighbour has a similar elevation. As such any increase in overlooking would not be significant.

In terms of the general prominence and impact on daylight the proposed extension is set close to the shared side boundary and is to the east of No.6.

The proposed extension would have some impact on No.2's rear conservatory and part of that neighbours rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation. Additionally, No.2's rear conservatory is north facing and therefore would not have any significant loss of sunlight.

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

Response to objectors - The proposed fence is located not on but adjacent to the proposed raised patio to a combined height of 2.1m (not 2.4m as incorrectly publicised). Its height has been raised to ensure that it provides an equivalent amount of privacy as is existing. This is considered to achieve a balance between issues of residential amenity (overlooking/privacy) and issues of visual amenity (appearance).

Highways -The driveway would be lowered and widened, constructed with free draining block paving (brown) plus steps to the front door, and low walls along the front boundary. Highways has recommended conditions relating to the storage of construction materials, parking and bin storage arrangements, porous/permeable material, and to reinstate the adjacent Public Right of Way to its former condition. It is considered that the widened driveway would accommodate to car spaces with sufficient space for the storage of bins.

The proposed driveway alterations would be acceptable and would comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion - In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development which would provide an enlarged family home. As such, the proposed development is therefore considered to be acceptable and complies 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 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 drawing 22-05-10 RevA as submitted on 09/06/2022 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 plus rendering as outlined in drawings submitted on 17/03/2022.
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 Before the first occupation of the extension hereby permitted fencing is to be erected at 1.7m above the raised patio level along the shared boundary and be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason: To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety, pursuant to UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 6 The development hereby approved shall not be brought into use unless and until the access, parking and bin storage arrangements indicated on approved plan reference 22-05-10 Revision A, incorporating a new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the highway and all associated remedial works to reinstate the adjacent Public Right of Way to its former condition prior to commencement of the development, have been implemented in full.
Reason: To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety, pursuant to UDP 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>
SGR	11/07/2022		