

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/10/2022	Ref: 68847/FUL
Registration: 05/09/2022	LDfC: 15/10/2022	Expiry Date: 31/10/2022
Site Visit: 18/10/2022	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 front extension and Single storey rear extension

Location: 2 Lindow Close, Bury, BL8 1JR

Description

The application relates to a two storey detached house at the end of a residential cul-de-sac. There is a driveway to the side. The immediate neighbour at No.4, to the west, is set forward of No.2 and has a conservatory to the rear which is in line with the rear elevation. The property to the east is a children's day nursery which has a line a mature conifers along the shared/eastern boundary of the site. To the rear of the site is open countryside/Green Belt.

The proposal comprises two elements. The two storey front extension, with a pitched roof, projects out 1.8m and runs across the front elevation. The roof would be carried over onto the main roof. It would facilitate a new porch, extension to the lounge at first floor and extensions to bedrooms at first floor.

The single storey ground floor extension at the rear would project out 3m and run across half the width of the rear elevation to create a summer room. The house and extensions would be finished in a cream render.

The driveway to the side of the house and dropped kerb to the front would be retained as existing.

Relevant Planning History

02760/E - Two storey front extension; garage / car port extension at side and single storey rear extension - Enquiry completed 11/08/2022

Publicity

Immediate neighbours notified by letter dated 23/09/2022. Representation received from the children's day nursery to the east. Two main concerns:

- Drainage issues have arisen over the past few years. This has been due to your property, 2 Lindow Close, being lower than our nursery, with the added implication of the field on the outskirts of both our properties. We are not in the position to provide any financial cost if problems do arise, once the groundwork has started and are worried that this historic drainage problem could exacerbate a previous issue.
- There are trees outlining the perimeter of our property. This is for the protection of our children, as it provides a screen to protect them from onlookers, giving them a safe space to play and learn. It also provides a reduction in noise to the residents that live in the surrounding areas. From the area plan provided, the 2nd story extension does seem to be close to our boundary. We do not want to be in a position to cut down the trees, if when the extension is finished, you find that our trees are blocking the light through your windows. We will obviously continue to maintain the trees.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

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 - The front extension, whilst extending across the full width of the house, would only project out 1.8m and would still leave the house setback from the immediate neighbour at No.4. Although other properties on the road are red brick with timber boarding, the properties to the front, along Birks Drive, are rendered. As such the proposed render would not appear out of keeping within the wider locality. At the end of the cul-de-sac, set from the neighbour with high conifer trees along the eastern side boundary, the front extension would not be particularly prominent or incongruous within the streetscape and the rear extension would not be visible from the public arena. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance.

Residential amenity - Given the siting of the extensions, there is no adverse impact on the immediate neighbour at No.4 Lindow Close. The property immediately to the east is a children's day nursery which is set well off the boundary with a large garden and high conifers along the shared boundary. There would be no impact on this property. The proposal is acceptable in terms of residential amenity and complies with UDP Policy H2/3 and guidance in SPD6.

Access and parking - The existing driveway to the side would be maintained and accommodate two off-street parking spaces. This is considered acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Public representation - The concerns of the immediate neighbour to the east with regard to drainage and the boundary trees are noted but are not considered to be reasons for refusal. Building regulations would address any drainage issues and given the extensions would be no nearer the trees than the existing house, there is unlikely to be any issues arising with regard to trees.

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 - 10 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/10/2022		