

DELEGATED REPORT

Report by Amanda

Date of report: 14/07/2022

Ref:68415/FUL

Uhunmwagho

Registration: 23/05/2022

LDfC: 15/06/2022

Expiry Date: 18/07/2022

Site Visit: 28/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side / rear; erection of outbuilding at rear for office use together with seating area and wc and external alterations

Location: 2 Lyndon Close, Tottington, Bury, BL8 3EY

Description

The application relates to a semi-detached bungalow with dormers to the front and rear. There is a small front garden with wall to the front boundary and lots of planting. There is an existing drive way to the front/side of the dwelling with a detached garage at the rear. To the rear of the house there is a small conservatory and the rear garden has fencing to all boundaries with some planting along the south east side.

The proposal is to build a single storey extension to the side and rear of the main dwelling as well as the erection of an outbuilding to the rear for use as an office, seating area and wc. There would also be some external alterations including the removal of a window to the front and installation of a new front door and to the rear an existing window would be replaced with bi-folding patio doors.

Relevant Planning History

N/A

Publicity

Neighbours notified on 25/05/2022 - No comments or objections 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The side/rear extension would be built with materials and a style that would be considered in keeping with the existing building. The outbuilding to the rear would be timber cladded adding a more modern element to the development which would be quite different to the main house. However as it would be built to the rear of the property it would not have any significant detrimental impact on the character of the existing streetscene. The design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The extension would be around 20m from properties on the opposite side on Lyndon Close to the front of site.
- At the rear the boundary abuts the rear garden of 9 Rhode Street and there would be no windows to the rear elevation of the outbuilding in close proximity to this boundary.
- There would be just over 12m from the rear of the single storey extension to the rear boundary.
- To the west side elevation there would be a wet room window installed at ground floor level which would be under 1m from the shared boundary. As this window would be obscurely glazed and would face on to the boundary fence and neighbouring garage wall there would be no concerns regards loss of privacy between properties.
- The single storey rear extension would not project beyond the rear elevation of the neighbouring extension at no.4 next door.
- The outbuilding which would house an office and seating area would have one set of patio doors in the east side elevation accessed from the rear garden. The side elevation would be approximately 5.6m from the shared boundary with no.4 Lyndon Close. As the doors would face on to a boundary which has heavy planting all the way along the garden and the outbuilding would not be classed as a habitable room this distance would be acceptable in terms of SPD 6. It is also noted that there are no objections to the proposal.
- The side extension and outbuilding would result in a substantial amount of building being created along the shared boundary with no.s 5, 7 and 9 Rhode Street but given that the buildings would extend across the rear end of the neighbouring gardens and it they would be single storey only it is considered that there would not be any significant detrimental effect on residential amenity at these properties.
- There would be a drive way for a single vehicle remaining to the front of the site measuring 6m. This would be acceptable in terms of SPD 6 and there is ample on street parking available along Lyndon Close.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of residential amenity.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive way at the front of the site.

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 SLH002, SLH003, A102, A103, A202 and A203 and the development shall not be carried out except in accordance with

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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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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>
AU - 14/07/2022			