

DELEGATED REPORT

Report by Amanda

Date of report: 23/01/2023

Ref:68925/FUL

Uhunmwagho

Registration: 09/11/2022

LDfC: 08/12/2022

Expiry Date: 08/01/2023

Site Visit: 06/12/2022

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: Two storey side extension with bay window to the side; Single storey front & rear extensions; Garage conversion; Juliet balcony at rear; Retention of existing balcony at rear; Replacement first floor window to front elevation with new apex to roof

Location: 19 Meadway, Bury, BL9 9TY

Description

The application relates to a large two storey detached property situated within a small gated area of Meadway where there are five similarly designed detached properties. There is a good sized open plan front garden with a drive way for at least two vehicles. There is also an integral double garage at the property. At the rear there is a large private garden with fences and planting to all boundaries. There is an existing conservatory to the west side of the property and a first floor rear balcony.

The proposal is to build a two storey side extension with bay window to the side; Single storey front & rear extensions; Garage conversion; Juliet balcony at rear; Retention of existing balcony at rear; Replacement first floor window to front elevation with new apex to roof.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 17/11/2022 and then 1 other neighbour on 21/11/2022 - No comments or objections received.

Following revised drawings received on 10/01/2023 the next door neighbour at 21 Meadway was re-notified as the applicant decided to retain the existing balcony close to the shared boundary with this dwelling. No comment or objections 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 -

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 proposed extensions would be built with materials and a design that would be considered to be in keeping with the existing building, as well as with the other four dwellings close by.

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 -

- There are no residential properties directly to the front or rear of the site.
- For the majority of its width the single storey rear extension would project around 3.48m from the original rear elevation. A section to the centre of the extension would project 4m. With this in mind the single storey rear extension could possibly be built under permitted development rules. It would not project any further towards the shared boundary with no.21 Meadway and the only new window to the side elevation would be to a utility room, which would be classed as a non-habitable room. As such there would be no significant detrimental impact on residential amenity at no.21 due to the construction of the single storey rear extension.
- There would be no extensions to the first floor at the rear and an existing first floor balcony is to be retained to the east side of site, close to the shared boundary with no.21. Taking in to account that there is an existing first floor balcony in the same position as is proposed and that the next door neighbour hasn't objected to the position of the balcony, it would be considered acceptable in the proposed position and there would be no significant detrimental impact on residential amenity to the rear of no.21 next door.
- A Juliet balcony would be installed to the first floor on the west side of the rear elevation. As there would be over 7m from the first floor to the rear boundary this would be considered acceptable in terms of SPD 6.
- To the west side of the property, adjacent to the shared boundary with no.17 a two storey extension would be built. It would measure 3.26m wide x 7m long and the roof would be pitched. There would also be a bay window constructed to the ground floor. As any views from the bay window would be towards the boundary fence and there would be no windows installed to the first floor there would be no concerns regards privacy at no.17 next door.
- Given the angle of the application property compared to no.17 the projection of the two storey extension would not cause any significant detrimental harm in terms of residential amenity at this property.
- There are no habitable room windows to the side elevations of numbers 17 and 21 Meadway, adjacent to the site.
- At the front the single storey extension would project 2.23m forward of the main front elevation and it would measure 7.41m wide with a mono-pitched roof. As there is a large front garden area with no properties directly opposite changes to the front elevation would not have any significant detrimental effect on residential amenity at neighbouring properties and their gardens.
- The existing double garage would be converted in to living space which means parking within the site would be reduced to two spaces on the driveway to the front. As the development would reduce the number of bedrooms from 6 rooms to 3 the existing driveway to the front of site would be considered sufficient in this instance.

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 separation distance to the surrounding 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 A051_P_011, A051_P_020, A051_P_021, A051_P_102 and A051_P_121 received on 27/09/2022, drawing numbered A051_P_100 received on 16/11/2022 and revised drawings numbered A051_P_001 Revision B, A051_P_010 Revision Am A051_P_101 Revision A and A051_P_120 Revision A received on 10/01/2023 as modified by the email from Footprint Design Ltd dated 10/01/2023. The development shall not be carried out except in accordance with the details 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 - 23/01/2023			