

DELEGATED REPORT

Report by Jane Langan	Date of report: 09/05/2022	Ref: 68141/FUL
Registration: 25/02/2022	LDFC: 08/04/2022	Expiry Date: 22/04/2022
Site Visit: 04/04/2022	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: Front porch with wc; First floor/single storey rear extension

Location: 38 Morley Street, Bury, BL9 9JQ

Description

The property is a mid terraced house. The front garden is fully surfaced providing off street parking. There is a ginnel between the site and No.36 that allows access to the rear gardens. The site is extended two and single storey at the rear. No.36 is not extended at the rear and has a small window to the party wall side then a door and a larger window adjacent. At first floor the closest window appears to be a bedroom and then a bathroom. To the opposite side No.40 is extended two and single storey at the rear deeper than the site.

The application includes a front porch 1.4m deep and 3.3m across. To the rear an extension would come 4.1m at ground floor and 1.1m at first floor to the side to the boundary with No.40. The first floor would run across for 7.1m extending as a 4.1m deep first floor extension to the existing single storey to the side closest to No.36. It would form an extended kitchen and bedroom and an additional bedroom.

Relevant Planning History

45464 - Two storey extension & conservatory at rear - Refused 20/12/2005

45814 - Two storey extension & conservatory at rear - AC 23/02/2006

Publicity

Surrounding neighbours were notified by letter on 17/03/22. No responses have been received to these letters however the agent has submitted a letter of support from the adjoining No.36 which states no objection and hopes the application is approved.

Statutory/Non-Statutory Consultations

Traffic Section - The original scheme proposed a widened vehicular access however this has been removed from the scheme following advice from the Highways Section.

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 front porch at 1.4m deep would not project excessively. It would have a monopitch roof in slate to match the existing. The walls to the porch would be rendered white as would the existing and new walls to the property. Whilst the adjoining properties are brick, render is a common and popular domestic finish and would not appear out of character in the area. To the rear the single storey would be flat roofed with a lantern light and the first floor extension a gable with dual pitched roof.

The proposal is considered acceptable 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 a 5th bedroom would be created converting an existing living room. 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 the front garden fully surfaced for parking and provides 2 spaces. It was proposed to remove the front wall and widen the crossing however this has been

removed from the scheme following advice from Highways that the full width would not be acceptable. With two existing spaces retained, the area having on street parking and public transport available, then in this instance the parking arrangements are considered sufficient.

Residential amenity - No.40 is extended two storey at the rear and the proposed two storey would project less than 1m from the first floor of No.40 and the proposed single storey less than 3m from the ground floor of No.40 as extended.

To the opposite side No.36 is not extended at the rear. The application is supported by a statement quoting Paragraph 10.20 of SPD6 and that it is concerned with Ethic Considerations and allows, on an individual basis, the relaxation of the guidance. It also refers to an occupant of the property having health issues. Whilst these are areas that can be considered in terms of relaxing guidance no evidence to support the needs has been provided.

SPD6 states that where an extension would be on or adjacent to the boundary of another dwelling it should not normally project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond a 45° angle taken from the boundary at the 1 metre point. For detached properties the 45° line is normally be taken from the mid-point of the closest ground floor habitable room window.

In relation to No.36 then there is a gap between the properties in the form of the ginnel and the proposed extension would then be set in approximately 1.1m from the side wall of the site. Taking a 45 degree line out 1m from the rear wall of No.36 there would be some encroachment across the 45 degree line, approximately 0.8m. Taking the 45 degree line from the mid point of the closest habitable room to No.36, the bedroom at first floor, there would be a fractional amount of encroachment of approximately 0.2m. The 45 degree lines are an assessment method set out in order that proposals do not result in significant loss of light or are overbearing developments. Orientation is also a consideration and the gardens to the site and No.36 face mainly in a southerly direction. In this case then, on balance, it is not considered that with regard to No.36 the proposal would be in close enough proximity to result in significant loss of light to the closest habitable room window, cause significant overshadowing to the garden to an unacceptable level or be an unduly overbearing development that would give grounds for refusal. It is also noted that there have been no concerns raised by neighbouring properties only the letter of support from No.36 provided by the agent.

There would be a distance well in excess of 7m from the proposed first floor bedroom windows to the rear boundary.

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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 22/681/01, 22/681/02, 22/681/03, 22/681/04, 22/681/05, 22/681/06, 22/681/07, 22/681/08A 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>
JL	09/05/22		