

DELEGATED REPORT

Report by Amanda

Date of report: 17/02/2023

Ref:69242/FUL

Uhunmwagho

Registration: 13/01/2023

LDfC: 15/02/2023

Expiry Date: 10/03/2023

Site Visit: 30/01/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension; New bay window at front: Alterations to existing windows/doors and render to external elevations

Location: 4 Newhaven Close, Bury, BL8 1XX

Description

The application relates to a two storey detached property with driveway to the front for two vehicles. There is a small garden area with hedges to both side boundaries and a low brick wall along the front. To the rear there is a good sized garden with tall hedges to all boundaries.

The proposal is to build a single storey rear extension projecting 2.8m and measuring 8.73m wide. It would have a flat roof with parapet wall and bi-folding doors to the rear. At the front the existing curved bay window would be replaced with a square bay projecting 678mm forward of the main front elevation and measuring 2.9m wide.

The existing white UPVC windows would be replaced with grey UPVC window frame and the white metal, up and over garage door would be replaced with a grey roller shutter door. The front entrance door would also be replaced and all of the elevations are to be rendered.

Relevant Planning History

56999 - First floor extension at side - Approve with Conditions 15/01/2014

Publicity

7 neighbours notified - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 proposed rear extension would be built with a design that would be considered to be acceptable on the existing building and as it would be to the rear of the property it would not be readily visible in the public realm.

The change from the existing bay window to a square bay along with new garage door, front entrance door and new windows would modernise the existing building, as would the render to all elevations. Most properties in the immediate area are finished in brick but it is acknowledged that the applicant could render the property without prior planning approval. As such the design of the proposal is considered acceptable in this location and it is

considered that the development would not have any significant detrimental impact on the character of the existing streetscene.

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 would be around 12.6m from the rear of the single storey extension to the rear boundary. This would be more than sufficient in terms of SPD 6.
- There are high hedges to all boundaries to the rear garden which would screen most views to and from the single storey extension.
- The single storey extension would project around 2.8m from the original rear elevation and the only openings would be to the rear garden overlooking the applicant's own garden.
- At the front the new square bay window would not be any wider than the existing bay window and it would be installed in the same position. The room type would remain as a living area. With this in mind there would not be any significant detrimental effect on residential amenity due to the change in design of the bay window.
- The new bay window would not interfere with the existing parking arrangements within the site.

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.

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 for two vehicles to the driveway at the front of 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 01, 02, 03, 04, 05 and 06 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	17/02/2023	DM	23/02/23