

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 16/08/2022

Ref:68437/FUL

Registration: 28/06/2022

LDfC: 23/07/2022

Expiry Date: 23/08/2022

Site Visit: 13/07/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor side extension; Garage conversion

Location: 195 Parr Lane, Bury, BL9 8JW

Description

The application relates to a two-storey house on a residential street of similar properties on either side which are positioned at an angle such that one side of the property is set forwards and the other set back. There is an existing rear conservatory extension. The attached neighbour at No.193 has a single storey rear extension on the other side and the neighbour on the other side at No. 197 is as originally built. The rear boundary has no trees or shrubs.

Planning permission is sought for a two-storey extension, mostly above the garage and kitchen, that would project out by 1m at the ground floor up to the shared boundary, and by 3.6m at first floor up to the boundary and have a gable roof carried over from the existing roof. The existing garage would be converted into a lounge and the garage door replaced with a typical lounge window, while at first floor there would be a new dressing room window to the front. There are no new side windows proposed and materials would match existing. There would be a separation of 10.2m to the rear boundary.

It should be noted that this application follows an earlier application submitted in March 2022 for an identical proposal (67894) that was rejected. However closer inspection of the current application shows that no improvements have been made since.

Relevant Planning History

67894 - First floor side extension; Garage conversion - rejected 23/03/2022.

Publicity

Immediate neighbours notified by letter dated 01/07/2022 sent to 7 (seven) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework
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.

Visual amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the side and rear, the extension would be readily visible from the public

arena, although materials would match existing.

The proposed replacement of the garage door with a lounge window is considered to be acceptable and compliments the existing main elevation. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, the 10.2m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. However, there is no tree or shrub planting along the rear boundary that might have reduced the impact on the residents to the rear.

- The proposed extension would be largely above the garage and kitchen but due to the angle of the dwellings it would be set some way forward of the neighbours habitable windows at both ground floor and first floor extending beyond the 45-degree point by approximately 4.10m and 1.90m respectively. It therefore fails to comply with the '45-degree rule' and '25-degree rule' within SPD6. It is thus considered that the extension is therefore unacceptable in relation to the attached neighbour at No.193.

- In terms of the general prominence and impact on daylight the extension is set to the immediate south of rear habitable rooms at No.193 causing a direct obstruction of natural light. The extension would also have an impact on the neighbours rear garden in the afternoons. As such the overshadowing would be seriously excessive above and beyond the existing situation.

It is therefore considered that the proposed extension would be unacceptable and fail to comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed to site access, parking, or the number of bedrooms. The proposal would not affect the existing parking arrangements above and beyond the current situation. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

It is considered that the proposed extension would be unacceptable in terms of the sitting and scale, of this development. No improvements have been made since the previous application was rejected. As such, the proposed development is therefore considered to be unacceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of the adjoining dwelling house, by reason of its size and position. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 House Extensions and SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	16/08/2022		