

DELEGATED REPORT

Report by Amanda

Date of report: 29/07/2022

Ref:68495/FUL

Uhunmwagho

Registration: 25/05/2022

LDfC: 05/07/2022

Expiry Date: 20/07/2022

Site Visit: 01/07/2022

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: Two storey side extension and single storey extension at side/rear

Location: 23 Lyons Drive, Bury, BL8 2EA

Description

The application relates to a two storey semi-detached house situated at the head of a cul-de-sac. There is a front garden area with a short wall along the front and a driveway to the front/side of the existing dwelling. There is a detached garage to the rear.

There is a single storey rear extension as well as a small bay window extension. The rear garden has fences to all boundaries with some planting. There are a lot of trees and planting to neighbouring gardens on the opposite side of the fencing too.

The proposal is to build a two storey side extension and single storey rear extension to provide extra living accommodation for an elderly relative. Due to the angled boundary to the side the two storey would be stepped slightly further out at the rear compared to the front. The extension would provide a ground floor living area including bedroom and an en-suite bathroom. There would also be a further bedroom and en-suite to the first floor. The roof would be pitched.

The single storey rear extension would extend the existing dining/kitchen as well as add a utility room to the rear of the two storey side extension. It would have a mono-pitched roof with two rooflights.

Relevant Planning History

N/A

Publicity

Neighbours notified on 15/06/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to the revised plans received on 15/07/22. Condition suggested regards storage of materials.

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 two storey side extension would be built flush to the front elevations with a slight set back at first floor level of around 675mm. Normally a first floor set back of 1.5m would be required to the front of a side extension in order to reduce possibility of terracing with a neighbouring property where terracing is not a common feature.

In this instance the property is one of four properties in a row at the top of Lyons Drive and the application property is also built at a slight angle to no.12 Lyons Drive next door. At the front the set back of 675mm plus the distance to the shared boundary of around 385mm would equate to a total of 1.06m. Although this would be less than the 1.5m as set out in SPD 6 it is taken in to account that the property is in a short row of four homes and as it is angled compared to the property next door even if that neighbour chose to extend to the side the front elevation is likely to be set back from the front elevation of the application property. As such, in this instance there would be no concerns regards terracing and the proposal is considered acceptable in this location.

The overall design of the extension and proposed materials would be considered in keeping with the existing building.

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 of the site.
- There would be over 9m from the rear elevation of the two storey side extension to the rear boundary and over 6.5m from the single storey rear extension.
- The single storey rear extension would project 3.23m from the original rear elevation and there would be a gap of around 340mm between the side elevation and the boundary with no.21 Lyons Drive, attached.
- There would be no windows and only one entrance door installed in the east side elevation facing no.12. The entrance door would open up facing a detached garage at this property. As such there would be no significant detrimental effect on privacy at no.12.
- The plans show that all of the development would be built within the site boundary and although part of the two storey extension would be very close to the boundary with no.12 there would be no encroachment on to the neighbouring land.
- At the front the existing parking arrangement and garden would remain as it is currently with ample room to park a vehicle clear of the highway in front.

Therefore 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 increase the number of bedrooms from 3 to 5 and 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 a drive to the front/side. The proposed extension would be built at the side reducing on site parking to just one space in front of the extended property. The remaining drive length would be around 6.5m which is more than sufficient in terms of SPD 6. There is also ample on street parking in front of the site and the dwelling is close to public transport and other local amenities.

Taking this in to account and that the property would be occupied by the owner and two older relatives without vehicles, the parking arrangements are considered sufficient.

Highways -

The Highways officer was originally notified of this proposal as part of the development would have included two extra parking spaces to the front of the property. Following discussion with the Highways officer and the agent it was decided to add the extra parking spaces as it would be difficult and most likely very costly to reposition the BT telecoms mast directly to the front of the site. Following receipt of revised plans the Highways officer has

no objection to the proposal and has suggested a condition regards the storage of materials during the building works.

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 R-0726-02 and R-0726-04 received on 25/05/2022 and revised drawings numbered R-0726-01 Rev A, R-0726-03 Rev A, R-0726-08 and R-0726-09 received on 15/07/2022 as modified by the email from Equilibrium Architects Ltd dated 15/07/2022. 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.
- 4 Before the first occupation of the extension hereby permitted the first floor en-suite window to the east side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 29/07/2022			