

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/08/2023	Ref: 69708/FUL
Registration: 26/06/2023	LDFC: 20/07/2023	Expiry Date: 21/08/2023
Site Visit: 13/07/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey rear extension; First floor side extension; Conversion of existing garage to living accommodation

Location: 88 Valley Mill Lane, Bury, BL9 9BY

Description

The property is a two storey town house. It is attached to a 3 storey apartment block to one side and to 86 Valley Mill Lane to the opposite side which is angled away. To the front the site has a drive and small garden. To the rear it has a patio from the house and the lawn is at a higher level with steps up and a retaining wall. Along the side and rear boundaries is timber fencing. The rear boundary backs on to a road, Alfred Street, and there are terraced houses across this. Works have commenced on site on approval 67588 for a two storey rear extension, first floor side extension and conversion of the garage.

This application is a revised scheme and the amendments include a reduction in the two storey at the rear which was 4m and would now be 3.9m, There was to be a single storey rear 1m out from the two storey, this is now omitted. The roof design to the side to the apartment block has now changed from a hipped to a pitched running down from the main ridge. The north side ground floor would now have a door instead of a window.

The extensions would form a kitchen and new lounge and at first floor 3 extended bedrooms and an additional one.

Relevant Planning History

67588 - Two storey rear extension; First floor side extension; Conversion of existing garage to living accommodation - AC 16/03/2022

69645 - Non-material amendment following grant of planning permission ref. 67588 for two storey rear extension; First floor side extension; Conversion of existing garage to living accommodation. Amendment to change roof type from hip to pitched on one side of rear extension - Withdrawn 25/05/2023.

Publicity

Surrounding neighbours were notified by letter and no responses 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 and design - The proposed first floor extension has a pitched roof extending out from the existing ridge and eaves line. To the rear the roof is pitched down from the main roof to the attached apartment building and hipped to the opposite side. Materials are brick and roof tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 4 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 and a further hard surfaced area and small lawn to the front of the entrance door. The proposal, as previously approved, includes retaining the existing space and creating a further one by removing an existing brick wall and steps and re surfacing in a porous material. With this additional space and public transport available in the area the parking arrangements are then considered sufficient.

Residential amenity - The proposed first floor the would run adjacent the 3 storey apartment block and the proposed two storey rear would come out to be just less than level with the rear of this block. Certificate B has been completed in respect of encroachment. To the opposite side No.86 is angled away from the proposed two storey rear extension and has a single storey extension running along the boundary with the site. To the rear there would be in excess of 7m to the boundary and the site property is located at a significantly lower level than the rear lawn and fencing.

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 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 Revision 1, 03 Revision 0 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	04/08/23	DM	04/08/23