

Description

This property is a detached brick-built bungalow. There is a small garden to the front and a drive on either side. There is also an attached garage on the front elevation and a large rear garden with plant and trees to all boundaries. Properties to the rear are over 20 metres away and due to heavy planting along the rear boundary the ground floor of the neighbouring houses are not visible.

Planning permission is sought for the replacement of existing conservatory with a single storey rear extension along with the conversion of existing garage into living accommodation and alterations to window openings. The extension would be built to the rear of the property and would project 3.1 metres from the rear wall and run 5.5 metres. It would have a pitched roof. The existing garage would be converted to a bedroom and a bathroom. The existing garage door would be replaced with a bedroom window. The development would be built using materials that will match the existing property.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Situated to the rear, the rear extension would not be visible from the street scene. The development would be a simple single storey rectangular extension with unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

The proposal also includes the conversion of existing garage to habitable. A new window would be inserted on the front elevation, within the space left following the removal of the garage door. The remaining space has been built up with matching brickwork to keep the style and detailing of the original dwelling. The proposed window would be considered to be suitably aligned when viewed alongside other openings within the front elevations of the dwellings within the row.

Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no proposed habitable windows in either side of the development and the distance to the shared rear boundary would be considered acceptable. Additionally, the extension would be screened by high scrubs along the shared boundaries.

- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. However, given the extension would only project 3.1 metres, 0.2m beyond the exiting conservatory and with appropriate setback from the shared side boundaries it would be acceptable. Furthermore, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 3.1 metres along the shared boundary would be considered acceptable in this instance.
- The proposed garage conversion would not result in additional volume. The proposed window would be separated by the directly facing properties by a highway and would be over 20 metres to the properties in front. The window would project no further forward than the original window arrangement for the dwelling. As such no overlooking foreseen.
- There would remain an acceptable amount of outdoor private amenity space.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.