

DELEGATED REPORT

Report by Mo Warsame	Date of report: 26/03/2025	Ref: 71432/FUL
Registration: 07/01/2025	LDFC: 30/01/2025	Expiry Date: 04/03/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage and erection of single storey / two storey extension at side; first floor extension at rear; single storey front extension and timber cladding to front elevation

Location: 20 Birch Lea Close, Bury, BL9 9RZ

Description

The application relates to a detached, dormer bungalow on a cul-de-sac of similar styled properties. The site has gardens to the front and rear. The site is bounded by detached bungalows on all sides, and the Bury FC football ground is located nearby. The immediate adjacent neighbours are No.18 and No.22 Birch-Lea Close.

Planning permission is sought for the erection of two storey extension at side following the demolition of the existing garage. The proposal would also include a first floor extension at rear, single storey front extension and new sloped roof dormer that would extend across the front elevation. This dormer would be finished in timber cladding.

Following the demolition of the existing garage, the proposed two storey side extension would project 4.6m to the side and would run flush with the principal front and rear elevations. The single storey front extension would project 3.25m from the principal front elevation. The first floor rear elements would extend to the principal rear elevation and adjoin the two storey front/side/rear extension to the side. Note this element would also not project beyond the principal rear elevation. The proposed dormer to the front would have sloped roof and would not extend beyond the main roof.

The development would accommodate a new entrance hall and reception along with the extension of the existing living areas on the ground floor. On the first floor, the development would facilitate two additional bedrooms. The extensions would have pitched roof and would be mostly constructed matching materials. However, first floor front elevation would be finished with wood coloured cladding boards.

Relevant Planning History

71091 - Demolition of existing garage and erection of two storey extension at front side and rear; single storey front extension; first floor rear extensions; first floor front extension and full height window to first floor front elevation - Refused 08/11/2024.

Publicity

Neighbour letters sent on 09/01/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The extensions would significantly change the design and appearance of the property generally. However, as the main changes would be at the side and rear, from the front, the dwelling would not be so incongruous within the streetscape. The front dormer would be modest in scale and would not out of keeping with the house. In fact No.9 Birch Lea Close has a similar design.

Overall, in terms of visual amenity, the proposal would be acceptable and comply with UDP Policy H2/3 and guidance relating to extensions and alterations.

Residential Amenity

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

- The proposed front extension would not project beyond the front elevations of the adjacent properties.
- The front elevation would remain modest distance from other dwellings to the front of site and it would not have a sufficient impact on the current parking arrangement.
- The proposed side windows would be obscure glazed as indicated on the proposed plans (Sheet 5).
- The proposed first floor rear elements would be modest and would not cause any privacy or outlook implications.

As such, there would be no serious impact on amenities of the 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.

Highways

The proposal will not result in major changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 Sheet 4, Sheet 5, Sheet 6 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	26/03/2025		