

DELEGATED REPORT

Report by Mo Warsame	Date of report: 13/09/2022	Ref: 68695/FUL
Registration: 22/07/2022	LDfC: 10/09/2022	Expiry Date: 16/09/2022
Site Visit: 09/09/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension

Location: 22 Lomond Drive, Bury, BL8 1UL

Description

The property is a two-storey semi-detached house with attached garage at the side and recently approved single storey rear extension. There are 2-metre-high fences to each of the side boundaries, with conifer trees to the rear boundary. The rear garden also slopes up away from the property. No. 2 Annecy Close, is to the rear and this property has a garage directly adjacent to the boundary with a blank gable wall and there is one small window to the first floor. No. 20 Lomond Drive, to the east of site has a garage adjacent to the boundary with a conservatory to the rear. No. 24, attached, appears to have a dining room window adjacent to the boundary.

Planning application is sought for the erection of first floor side extension over the existing garage to provide an additional bedroom with ensuite. The extension would be set-back by 1.5m from the front elevation and would project 6.7m to the rear to align with the existing rear bedrooms on first-floor rear elevation. The proposed extension would have a gable roof lower than the main pitched roof and use matching materials. There are no windows proposed in the side elevations.

Relevant Planning History

53688 - Single storey extension at rear - Approve with Conditions 31/03/2011

Publicity:

Neighbours notified on 19/08/2022. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

The proposed first floor side extension would be considered in-keeping with the existing property. Positioned at the side above the existing garage, the extension would be visible from the public arena, however the proposed materials would match existing. The existing conifers trees and planting along the rear boundary would further reduce the impact on the residents to the rear. The gable roof for the proposed side extension would be extended short of the shared boundary and be lower in height than the main pitched roof. As such, the proposed first floor side extension would be subservient to the main property and therefore considered to be acceptable.

Residential amenity

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

- There are minimum impact on overlooking and privacy to the rear of the property as there are sufficient separation distance to the rear boundary from the proposed first floor habitable room. Therefore the extension would comply with the adopted guidance in SPD6.
- The proposed extension does not project beyond either the front or rear building lines and therefore the 45-degree rule would not apply.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary and is to south-west of No 20. Given the positioning and size of the extension there would be minimum impact on neighbours rear garden.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This would then require the proposal to provide a minimum of 2 parking spaces. The existing parking arrangements on site would remain unchanged, which would be a single space within the attached garage, and one space on the driveway in front. As such in this instance the parking arrangements are considered sufficient.

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 SP01, LP02, L01, L02, E01, SP02, BP02, L03, L04, E02 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.
- 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	13/09/2022		