

DELEGATED REPORT

Report by Jane Langan	Date of report: 29/03/2023	Ref: 69332/FUL
Registration: 07/02/2023	LDFC: 08/03/2023	Expiry Date: 04/04/2023
Site Visit: 20/02/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey porch extension at front/side

Location: 10 Beechwood Avenue, Ramsbottom, Bury, BL0 0BH

Description

The property is a two storey semi detached house. It has a garden to the front and works have commenced on a previous approval (68199) which was for a two storey side extension and a new drive and drop kerb. The adjoining property is No.12. To the opposite side No.8 is the end house in a row of 4 and is lower than the site. It is a two storey house with an elevation that faces towards the site which includes the front entrance door.

The application proposes a front porch that would come out 1.5m from the existing front elevation for 3.9m across. It would link to the under construction two storey side extension which is set back 1m from the front elevation.

Relevant Planning History

67210 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - 02/08/2021

68199 - Two storey extension at side; alterations to driveway and new vehicular access - AC - 09/06/2022.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. Their concerns in summary are:-

- Loss of light to side windows and front entrance is to the side
- Loss of privacy. Intrusive and close.
- Path and driveway already dark at night and in winter can be a trip hazard. Even with an outside light feel like this will make it more of a risk.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend conditions for implementation of the new parking arrangements and materials storage and informatives.

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 porch would not project excessively at 1.5m deep. It would be fairly wide at 3.9m however would not appear overlarge located on part of the original front elevation and across that as extended. It would have a dual pitched roof with entrance door/windows to the front. Materials would be roof tiles and brickwork to match. The proposal has been revised from that as originally submitted to reduce the ridge height by 200mm and add a larger area of glazing to the front reducing the amount of brickwork.

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 site as existing has no off street parking. Approval 68199 included a two car drive and drop kerb. The proposed porch would see the previously approved drive length reduced however there would still be a 10m length remaining which would be sufficient.

The current proposal does not now include gates.

The previous approval noted bin storage at the front as does this proposal. Whilst ideally bins are stored to the rear it is not possible to control where a homeowner may place them and as such is not justified grounds for refusal.

Residential amenity - The proposed porch would be to the side to No.8 which has an elevation that faces towards the site, the ground floor having one window and the entrance door. The proposed porch would be located where the facing ground floor of No.8 is blank wall then has its entrance door. The one window is located further along and as such the proposal would not cause any significant loss of light to it. No.8 is at a lower level and there would be some impact in terms of their being a length of blank wall outside its entrance. Given there would be a reasonable gap between the new porch wall and the elevation to No.8, and the proposal would not cause any unacceptable loss of light to any habitable room windows, it is not considered there are grounds for refusal with regard to loss of amenity to this neighbouring property.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The issues relating to the impact on any relevant neighbouring properties are addressed in the above report.

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 22-12 01, 22-03 Rev B 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 development hereby approved shall not be brought into use unless and until the car parking and bin storage arrangements indicated on approved plan reference 22-03 02 Rev B, incorporating the provision of a footway crossing, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the adopted highway and all associated footway remedial works required to reinstate the footway to its former condition prior to commencement of the development, have been implemented to the satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Policy H2/3 - Extensions and

Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	29/03/23	DM	30/03/2023