

Description

The property is a bay fronted semi detached house located on a corner plot. It has garden to the front and a pedestrian path to the entrance and garden to the side and rear. The house has been extended two storey across part of the rear.

The adjoining property is No.5 and to the rear has patio doors to the party wall side and is then extended single storey. To the rear the site borders the drive and detached garage to 44 Tewkesbury Drive which sits side on. The first floor side elevation of this property is blank wall.

The application includes a two storey extension at the side coming out 4.5m. It would run from the front elevation for 7.7m along where it would then reduce to single storey a further 6.4m for 7.1m across. At this point it would reduce to 3m in depth up to the boundary with the adjoining No.5. To the front a porch would project out 1.1m deep for 2.6m - 1.6m across.

Relevant Planning History

None.

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

<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 and design - The proposed extension would leave a distance of 2m at the front from the side wall of the extension to the boundary and 1.964m at the rear. This would be acceptable with SPD6 requiring 2m for corner plots. The proposed two storey side would have a hipped roof set below the main ridge. The front elevation would have a full height bay window to match the existing one. The porch would have a hipped roof and at 1.1m deep would not project excessively at the front. The single storey to the rear would be flat roofed with two lantern lights. The plans note the existing hedge to be retained and this would provide some screening. Materials would be brick and roof tiles to match.

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 3 to 4 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 and garage to the rear which would not be affected by the proposed extension. There is garden to the front and there may be potential for further parking if the applicant should require it, and subject to highways approval. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - Where adjacent the boundary with the adjoining No.5 the proposed extension would be 3m deep and single storey. The plans confirm no encroachment. There would be no habitable room windows to the first floor rear elevation and the site rear boundary borders the garage and blank first floor side elevation to 44 Tewkesbury Drive.

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.