

DELEGATED REPORT

Report by Amanda

Date of report: 10/03/2023

Ref:69224/FUL

Uhunmwagho

Registration: 23/01/2023

LDfC: 17/02/2023

Expiry Date: 20/03/2023

Site Visit: 13/02/2023

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: First floor extension over garage; new front porch and pitched roof over garage / new garage door; external alterations including new windows and 6 no. full height windows at rear; part render to elevations and removal of window / door from side elevation

Location: 1 Chisholme Close, Tottington, Bury, BL8 4HH

Description

The application property is a two storey detached house with gardens to the front and rear of the dwelling. It has a flat roof garage attached at the side with driveway in front. To the east side of the site is a large open piece of land, with properties on Greenmount Drive being over 30m to the south and east. Directly to the rear of the site is the turning circle at the top of the cul-de-sac of Greenmount Drive.

Directly to the rear of the property is a small patio area. There are fences to all boundaries at the rear along with a high hedge along the east boundary.

The proposal is to add a first floor extension above the existing garage, a new porch to the front with pitched roof and a pitched roof to the front of the garage, new garage door and other external alterations including new windows and 6 full length windows to the ground floor at the rear. They also intend to part render the elevations in white, and remove a window and door from the side elevation.

The first floor extension would be built directly above the existing garage, flush with the existing front and rear elevations. The roof would be pitched and the walls would be finished with a white render to the first floor level.

Relevant Planning History

N/A

Publicity

Five neighbours notified on 27/01/2023 - No objections or comments received.

Statutory/Non-Statutory Consultations

None

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed development would modernise the appearance of the property but it would remain similar to other houses in the vicinity which have previously been developed. The

proposed render would be a similar finish to other nearby properties. In this instance the design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- Properties to the front, rear and east of the site would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity at those properties.
- The extension would be to the east side of the dwelling and there would be no new windows in west side elevation. As such there would be no significant detrimental impact on residential amenity at no.3 Chisholme Close next door.
- At the rear a new first floor bedroom window would be within 7m of the rear boundary. However, as the area directly to the rear of the site is a turning circle at the head of the cul-de-sac and the nearest property would be over 30m away from the proposed development the sub-standard distance of around 5.5m would be acceptable in this instance.
- The garage would be partially converted to a utility room and cloakroom, with the front section becoming a store. One parking space would remain to the front measuring around 6m from the back of the pavement in front. This drive length would be acceptable in terms of SPD 6.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would decrease the number of bedrooms from 4 to 3 therefore SPD 11 Parking Standards need not be considered. However, as the garage is to be converted one space would be lost within the site boundaries. One parking space would remain to the front of the property. It is noted that there are no parking restrictions to the highway in front of the site and there is easy access to public transport. As such the parking as proposed would be acceptable in this instance.

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 ZT22-196-01, ZT22-196-02 and ZT22-106-05 received on 09/01/2023, drawing numbered ZT-196-03 received on 24/02/2023, drawing numbered ZT22-196-06 received on 27/02/2023 and drawing numbered ZT22-196-04 received on 09/03/2023 as modified by the emails from

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Thorp Design Services dated 24/02/2023, 27/02/2023 and 09/03/2023. The development shall not be carried out except in accordance with the details hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -10/03/2023		DM 15/03/23	