

DELEGATED REPORT**Report by** Amanda**Date of report:** 25/08/2023**Ref:**69813/FUL

Uhunmwagho

Registration: 27/06/2023**LDfC:** 04/08/2023**Expiry Date:** 22/08/2023**Site Visit:** 21/08/2023**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS

Proposal: Two/single storey extensions at side/rear; Two storey extension at front; Juliette balcony at rear; 2 No. loft windows to front and 2 no. dormers to rear and extension to roof to form loft conversion; Rebuild existing garage to create additional living space; External alterations

Location: 358 Brandlesholme Road, Bury, BL8 1HJ

Description

Planning permission was previously approved on this site in July 2022. The current proposal involves some internal alterations which will mean there would be some changes to fenestration and doors to the side and rear elevations. There would also be the addition of a dormer to the rear. Building works have begun on site and the outer shell of the extension is partially built.

The application relates to a previously extended two storey detached house fronting on to Brandlesholme Road. The whole of the front of the site is paved providing on site parking for several vehicles. There is a hedge along the front boundary and there is open access for vehicles. There is an existing two storey extension to the side with single storey at the rear. The rear garden has fences to all sides and lots of planting. Directly to the rear of the house there is a patio area with lawn beyond.

The proposal is to build single storey / two storey extensions at side / rear, a two storey extension at front, Juliet balcony at rear, 2 no. loft windows to front and 2 no. loft windows to rear and extension to roof to form loft conversion with rear dormer. As the side extension would be to the front of the existing garage/storage this area would be converted to additional living space.

At the side the extension would be built flush to the existing front elevation of the dwelling. It would measure 2.79m wide and would have an overall length of 18.89m. The first floor element would be set back from the main front elevation by 1.5m and it would measure 9.5m long. To the rear of the two storey side extension the remainder of the building would be single storey with two rooflights.

Directly to the rear of the property the ground floor extension would project 6m from the original rear elevation and it would measure 7.67m wide. The roof would be flat with two raised roof lanterns.

The first floor above would be L-shaped and set in from the south east side of the dwelling by 1.2m and it would project 3.28m. The overall projection of the first floor would be 5.3m and the roof would be pitched. The new bedroom would have a Juliet balcony to the rear elevation with full length glazed panels to either side. There would be a flat roof dormer to the rear of the roof as well as three rooflights to the front.

At the front of the building there would be a two storey extension extending the existing entrance hall. At first floor there would be a void. The roof would be pitched and there would be a large feature window to the front and slim windows to either side elevation. The extension would project 1.29m forward of the front elevation and it would measure 3.4m wide. The external walls would be rendered with K-Rend, colour 'off-white' with brick quoins to the corners of the walls.

Relevant Planning History

68302 - Single storey / two storey extensions at side / rear, two storey extension at front; Juliet balcony at rear; 2 no. loft windows to front and 2 no. loft windows to rear and extension to roof to form loft conversion; garage/storage conversion to create additional living space and external alterations - Approve with Conditions 21/07/2022
69811 - Erection of detached single storey outbuilding in rear garden to form gym and storage room -

Publicity

Neighbours notified on 14/07/2023 - One objection received. They have objected giving the following reasons;

- The proposed Juliet balcony and rear dormers would be detrimental to their privacy.
- The proposed extensions and the outbuilding would be over development of the site.

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.

There are many different styles of properties along Brandlesholme Road and many have been previously extended. The proposed extension and render to the building would be similar in appearance to others in the area and as such would not have any significant detrimental effect on the character of the existing streetscape. 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 -

- There would be over 19m from the rear elevation of the proposed two storey extensions to the rear boundary. This would be more than acceptable in terms of SPD 6.
- The existing garage and store along the north west boundary would be converted in to living accommodation with no change to its projection along the shared boundary with no.360 Brandlesholme Road. This part of the development projects around 2.5m beyond the rear of the detached garage at no.360 next door. As such changes to this part of the property would not have any significant detrimental impact on residential amenity at no.360 Brandlesholme Road.
- There would be one new bathroom window installed to the proposed two storey side extension at first floor level and two non-habitable windows to the ground floor. These would be directly on the shared boundary with no.360 but as there would be a condition added stipulating that the windows must remain obscurely glazed at all time would ensure privacy levels would be retained between the two properties.
- The two storey side extension would project around 1.5m past the rear elevation of no.360. Given that the main dwelling next door is set away from the shared boundary and there is a garage in between the 45° rule would be satisfied regards windows to the rear of no.360.

- The single storey rear extension would project 6m from the original rear elevation and would be built away from the shared boundary with no.356 Brandlesholme Road by around 1m. There is a single storey extension to the rear of no.356 which projects around 3m from the original rear elevation. The proposed single storey extension would project 3m beyond the neighbour's extension which would be acceptable in terms of SPD 6.
- All of the above has been approved as part of the previous planning application. The applicant also intends to erect a flat roof dormer. The dormer would be more than a sufficient distance from neighbouring boundaries. As such it would not have any significant detrimental impact on residential amenity in the area. It is also noted that the applicant could erect a dormer as permitted development on the rear of the property.
- The rooflights to the front of the property would not have any detrimental impact on residential amenity in the area.
- The proposed first floor rear extension would be set in from the side elevation of the ground floor. As such the 45° rule would be satisfied with regards to any windows on the rear elevation of no.356 next door.
- At the front there would be over 8m from the front of the side extension to the front boundary. This would be acceptable in terms of SPD 6.
- As the whole of the front area of the site is hardstanding the introduction of the two storey front extension would not be considered significantly detrimental to the existing parking arrangements within the site. The applicant would still have the ability to park up to three vehicles within the site.

Taking the above into account 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.

Parking -

The proposal would increase the number of bedrooms from 4 to 7 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 is completely paved to the front providing on site parking for several vehicles. This would remain once the property is extended.

Response to neighbour objection -

Most of the proposed extensions have previously been approved. The only difference is the additional dormer. In terms of the development's impact on privacy levels at neighbouring properties there would be around 19m from the rear elevation of the proposed extension and the dormer would be around 25m away from the rear boundary. These distances would be acceptable in terms of SPD 6 and as such the development would not have any significant detrimental effect on residential amenity at neighbouring properties and gardens.

With regards to the comment that the extensions, including the detached outbuilding (ref 69811), would represent overdevelopment. The site is a very large site and following completion of the development there would be ample amenity space remaining to the front and rear of the dwelling.

The Juliet balcony was approved as part of the previous application (ref 68302). As the Juliet balcony would be just over 19m from the rear boundary it would be considered acceptable in terms of SPD 6.

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 SHT 1 of 5 and SHT 2 of 5 received on 27/06/2023 and drawings numbered SHT 3 of 5, SHT 4 of 5 and SHT 5 of 5 received on 22/08/2023 as modified by the email from I.Planning Services dated 22/08/2023. 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 be white k-render and brick to the walls, UPVC windows and roof tiles to 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.
- 4 Before the first occupation of the extension hereby permitted the windows on the side elevation of the two storey side extension shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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 - 25/08/2023		DM 25/08/23	