

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 12/05/2023	Ref: 69447/FUL
Registration: 11/04/2023	LDfC: 12/05/2023	Expiry Date: 06/06/2023
Site Visit: 03/05/2023	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: Single storey rear extension and insertion of window in existing gable elevation

Location: 16 Croft Drive, Tottington, Bury, BL8 3HT

Description

The application relates to a semi-detached bungalow which has been extended to the side. As the site is positioned on a bend in the road there are gardens to three side and a detached garage and drive to the rear. Land to the west of site is much higher than to the east, so the property is much lower than the highway to the west but is level with the highway to the south (front).

The proposal is to build a single storey rear extension. It would project 3m from the original rear elevation and would measure around 7.18m wide. The roof would be pitched with a rooflight to either side and patio doors to the rear elevation. They also intend to install a window to the side elevation which would be to a bedroom in the loft space.

Relevant Planning History

63198 - Single storey extension at side - Approve with Conditions 04/10/2018
63610 - Loft conversion with dormers at front and rear - Approve with Conditions 07/02/2019
65108 - Single storey side extension - Approve with Conditions 19/03/2020
20/0077 - Erection of boundary fencing - 20/04/2020

Publicity

Neighbours notified on 19/04/2023 -

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 rear of the site is visible from the highway to the side, as is the whole of the site. The proposed extension would be finished with materials and a design that would be considered to be in keeping with the existing building. As such it would not have any significant detrimental impact on the character of the existing streetscene.

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 -

- The applicant would be able to build a single storey extension projecting up to 3m as Permitted Development. As the proposed extension would project 3m off the original rear elevation of the dwelling it could be possible that the proposed extension could be built as Permitted Development.
- The attached neighbour has a conservatory adjacent to the shared boundary and the proposed extension would project around 1.77m beyond that structure. This would be acceptable in terms of SPD 6.
- There would be around 6.4m from the rear elevation to the northern shared boundary. Any views from the patio doors to the rear of the extension would be over the applicant's own garden and not directly towards other properties. As such the distance would be considered acceptable in this instance.
- The extension would be around 12m away from the side boundary and the new window to the side would be around 6.5m from the boundary. As there would be no windows in the side elevation of the extension and properties to the west are a sufficient distance away from the site there would not be any significantly detrimental effect on residential amenity at those properties due to the position of the extension and new window.
- The proposed development would not interfere with existing parking arrangements within the site.

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 and that it is no more than 3m on the boundary.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the garage and driveway to the rear of the site.

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 drawing numbered 002 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 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

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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 -	12/05/2023	DM	22/05/23