

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/08/2022	Ref: 68464/FUL
Registration: 15/06/2022	LDFC: 08/07/2022	Expiry Date: 10/08/2022
Site Visit: 10/08/2022	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: Two storey extension at side; Part single/Part two storey extension at rear; Single storey extension at side; Dormer extension at front and First floor balcony at side.

Location: 9 Birch Lea Close, Bury, BL9 9RZ

Description

The application relates to a detached, dormer bungalow on a cul-de-sac of similar styled properties. The site has gardens to the front, side and rear. The site is bounded by detached bungalows to the east and south, a detached two storey dwelling to the west and the south stand of Bury FC football ground to the north. The immediate neighbour at No.11 is situated along the shared side boundary.

Planning permission is sought to extend the property to the sides, rear and add a new dormer to the front.

- The house would extend 3.6m beyond the current rear elevation in the form of a flat roof single storey extension.
- The roof slope at the rear would be raised to form a first floor with a asymmetrical roofline. It is noted that No.7 Birch Lea has a similar asymmetrical roof arrangement - approved in 2004.
- A new flat roof dormer would extend across the front elevation.
- The existing garage would be demolished and the side extension would project out 2.58m to the shared side boundary with the neighbour at No.11.
- A single storey extension with a balcony above would be built off the west/ side elevation. There would be a gap of approximately 8.4m from the balcony to the side boundary with properties at The Starkies to the west. A 1.7m high privacy screen would run around the south and west edges of the balcony.
- The extensions would be finished in red brick to match the existing house.

Relevant Planning History

02486/E - 4 no. new dwellings - Enquiry completed 06/10/2020

66694 - Replacement of existing dwelling with 2No. 3 bedroom dwellings - Approve with Conditions 28/07/2021

Publicity

Immediate neighbours notified by letter dated 16/06/2022. One objection from the neighbour to the west.

The existing relationship between our property and the site is a rear elevation facing a blank side elevation which had landscaping providing further privacy.

The rear garden is sacrificed for the extension and the main garden is now on the west directly impacting the relationship of the two properties. The design re-orientates the windows from the living spaces to directly face our property impacting on the enjoyment of our current amenity space and further intruded upon by a balcony on the single-storey flat roof side extension which is also out of character with the street scene.

The significant increase to the front elevation (side extensions) of the house and the

full-length (9.7m) flat roof dormer is out of character with the street scene.

The rear extension doesn't appear to be buildable as there is no depth indicated on plan to accommodate the steel structure to create the kitchen/living space. An approved design should be buildable without change required during construction.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The extensions would significantly change the design and appearance of the property generally. However, as the main changes would be at the rear, from the front, the dwelling would not be so incongruous within the streetscape. The front dormer is modest in scale and is not out of keeping with the house. In terms of visual amenity, the proposal would be acceptable and comply with UDP Policy H2/3 and guidance relating to extensions and alterations.

Residential Amenity - The two storey element at the rear would extend out to line up with the existing rear elevation and in line with the ground floor of the immediate neighbour at No.11. Although the first floor bedroom window on the immediate neighbour is set back by about 3m, the relationship is generally acceptable and would not be seriously detrimental to amenity. The flat roof single storey rear extension would project out 3.6m beyond the two storey element from the rear and this is deemed acceptable. It is also noted that the neighbour at No.11 has not objected to the proposal.

The balcony above the single storey extension on the west side would be approximately 8.4m away from the boundary on the west side. There were concerns about overlooking of neighbours to the south and west from the balcony and an objection has been received from the neighbour to the west. To address these concerns, the plans were revised to indicate a 1.7m high 'privacy screen' around the balcony to reduce direct overlooking to the west and south. This 'privacy screen' would protect privacy to an acceptable degree.

In terms of residential amenity the proposal would be acceptable and comply with UDP Policy and guidance relating to extensions and alterations.

Access and Parking - There is an existing dropped kerb across the frontage that allows access and there is sufficient space within the site to allow parking for at least two cars. This is acceptable and complies with UDP Policy and guidance.

Objection - The garden at the side of the house and the new windows in the side facing west, with the proposed 'privacy screen', would not have a serious impact on privacy. The design changes would not have so serious an impact on the streetscape to warrant refusal. The 'build ability' of the extensions is a matter that would be addressed at the building control stage.

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.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 592-01, 02, 03, 04, 05, 06, 07C, 08D, 09 and 10A 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 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 Prior to first occupation of the extension, the proposed 'privacy screen' (with minimum obscurity level 3) around the first floor balcony, as indicated on the revised plans, shall be installed to a minimum height of 1.7m and maintained in situ thereafter.

Reason. In order to protect privacy pursuant to UDP Policy H2/3 and associated guidance document 6 Alterations and Extensions.

- 5 Before the first occupation of the extension hereby permitted the ground floor utility room window on the side elevation shall be fitted with obscured glazing (min obscurity level 3) 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>
Tom Beirne	11/08/2022		