

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 30/11/2023

**Ref:**70217/FUL

Uhunmwagho

**Registration:** 07/11/2023

**LDfC:** 30/11/2023

**Expiry Date:** 02/01/2024

**Site Visit:** 21/11/2023

**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 storey rear extension and single storey extension at side/rear

**Location:** 12 Wroxham Close, Bury, BL8 1EN

**Description**

The application property is a two storey detached house. The area to the front of the dwelling is paved providing on site parking for two to three vehicles and there is a brick boundary wall at the rear to the front and side boundaries with a grey metal sliding gate. To the rear of the dwelling is a good size private garden with fences to all boundaries. Both adjacent properties are detached and no.14 has a garage adjacent to the shared boundary with site.

Planning permission was granted for a single storey side and rear extension in November 2020. That development has not been commenced and the applicant has now submitted a new application for a two storey rear extension and a single storey side/rear extension.

At the rear the two storey extension would project 3.6m from the original rear elevation and it would measure 10.79m wide. The roof would be hipped. The single storey extension would be to the north side of the existing building and it would extend along the side of the property as well as to the rear. It would measure 1.35m wide and 5.84m long. The roof would be hipped.

**Relevant Planning History**

65993 - Single storey extensions at side and rear - Approve with Conditions 16/11/2020

**Publicity**

7 neighbours were notified on 08/11/2023 - No comments or objections received.

**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, including relevant policies in the emerging Places for Everyone Joint

Development Plan.

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 extensions would be mainly to the rear of the existing dwelling with part of the single storey extension to the side. As such the extensions would not be openly visible in the public realm. However, the extensions would be built with materials and a design that would be considered to be in keeping with the existing building.

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 7.4m from the rear elevation of the two storey extension to the rear boundary. This distance would be acceptable in terms of SPD 6 and it is considered that there would not be any significant detrimental impact on residential amenity at properties to the rear.
- No.14 to the north has a garage directly adjacent to the shared boundary and the building is angled slightly away from the application property. This property projects around 3.5m past the existing rear elevation. As such the proposed extensions would not project beyond the rear of this property.
- The two storey extension would be around 1.9m from the shared boundary with no.14 and there would be no windows overlooking this property.
- The single storey extension would be closer to the shared boundary. There would be no windows to the side elevation and it would be adjacent to the neighbouring garage only.
- On the south side the two storey extension would be around 780mm away from the shared boundary with no.10 and it would project around 4m past the rear elevation. There is a ground floor habitable room closest to the boundary and the proposed drawings show that the 45° rule would be satisfied with regard to this window.

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 the 45° rule from nearest relevant window of no.10 Wroxham Close.

**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 drive at the front 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 drawings numbered AS714-01, AS714-02 Rev A, AS714-03 Rev A, AS714-04, AS714-05 and AS714-06 Rev 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.

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- 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 - 30/11/2023     |             | DM 01/12/23             |             |