

DELEGATED REPORT

Report by Amanda

Date of report: 05/12/2023

Ref:70221/FUL

Uhunmwagho

Registration: 01/11/2023

LDFC: 30/11/2023

Expiry Date: 27/12/2023

Site Visit: 24/11/2023

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Replace existing conservatory with single storey rear extension and conversion of attached garage into living accommodation

Location: 16 Rose Grove, Bury, BL8 2UJ

Description

The application relates to a two storey detached house. It is set back from the main stretch of Rose Grove with gated access shared with no.14 next door. The front of the site is tarmac and it is open to the access road in front along with a small area of planting along the west boundary. There is currently an integral garage at the property.

There is a conservatory on the rear of the existing dwelling which projects around 3.47m from the rear elevation. Most of the rear garden is paved with planting along the boundaries.

The proposal is to replace the conservatory with a single storey extension which would project 3.48m and would measure 5.53m wide. The roof would be flat with a raised rooflight to the centre. There would be a window and bi-fold patio doors to the rear and a high level window to both side elevations. The existing garage would also be converted in to a utility room/store and the only external change would be that the door would be replaced with a window.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 08/11/2023 - One objection received. See below.

- Loss of light to the main dining room resulting from the permanent structure which will overshadow and overbear both on the garden and dining room due to the proximity of the extension to the property boundary.

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 single storey extension would be to the rear of the dwelling and it would be finished with materials and a design that would be considered to be in keeping with the existing building.

The garage conversion which could be undertaken as permitted development 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 appear intrusive in the existing streetscape.

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 garage conversion would result in a new window to the front elevation. The proposed use of the room would be a utility/store room which would be considered to be non-habitable. As views from this room would be over the drive and access road only, and there are no windows to the side elevation of no.12 Rose Grove it would not have any significant detrimental impact on residential amenity in this location.
- By converting the garage one parking space would be lost within the site. However, the applicant could still park two vehicles on the existing drive, which would be acceptable in terms of SPD 6.
- The single storey rear extension would be a sufficient distance from the rear site boundary so that there would not be any significant detrimental impact on residential amenity at no.288 Ainsworth Road to the rear. There are also trees to the rear boundary at no.288 Ainsworth Road which would screen most of the views to and from the site.
- The applicant could build a single storey rear extension under Permitted Development rules providing it would not project more than 4m from the original rear elevation, the eaves height would be less than 3m and the overall height would be no more than 4m. The extension would project around 3.47m from the existing rear elevation, the eaves height would be around 2.8m with an overall height of 3m. As the proposed dimensions would be within the Permitted Development limits it could more than likely be built without planning permission. As such there would be no reason to refuse the proposal.
- There may be some impact on light to the adjacent properties but as the projection would be within acceptable limits as set out in SPD 6 there would be no reason to refuse the proposal.
- The extension would be built around 770mm away from the shared boundary with no.16, which would be similar to the position of the existing extension. The extension would be much closer to the boundary with no.14 but as the extension would be built within the limits set out in SPD 6 it would be considered acceptable in this location.
- The main windows and doors to the extension would be to the rear elevation with high level obscure glazed windows to both sides. As such there would be no significant detrimental effect on privacy levels between the extension and adjacent properties.

The proposal conforms to Bury 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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The garage conversion would remove one parking space from the site. However, as there would be two spaces remaining to the front of the

site the parking arrangements within the site would be considered acceptable in this instance.

Response to neighbour objection -

The neighbour is concerned about loss of light to their property due to the extension being overbearing and overshadowing their garden and property. This has been addressed in the residential amenity section above.

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 10806-01 and 10806-02 Rev P1 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 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 both side elevations 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 - 05/12/2023			