

DELEGATED REPORT**Report by** Amanda**Date of report:** 17/02/2023**Ref:**69133/FUL

Uhunmwagho

Registration: 22/12/2022**LDFC:** 06/02/2023**Expiry Date:** 16/02/2023**Site Visit:** 25/01/2023**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

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

Proposal: Front porch extension; Front dormer extension; Dormer at rear; Single storey rear extension; Pitched roof to existing detached garage with single storey extension to form garden room; Render to external elevations

Location: 5 Pennine Close, Bury, BL8 1RB

Description

The application relates to a semi-detached bungalow with dormer to the front and a conservatory to the rear. There is a drive way to the front/side of the dwelling leading to a detached garage to the rear of site. There is a garden to the front of the house with a short fence along the front and side boundaries. At the rear there is a private garden area with fences to all boundaries.

The proposal is to add a front porch, extend the existing front dormer, dormer to the rear and also a single storey rear extension. They also intend to replace the existing flat roof to the garage with a pitched roof and build a garden room extension to the rear of the garage. The property would be rendered to elevations.

The front porch would project 1.47m forward of the front elevation and it would measure 1.83m wide. The roof would be mono pitched in line with the roof of the existing front extension.

The front dormer would be extended to the east. It would measure 4.37m wide. It would be set back from the front elevation and down from the ridge to match the existing dormer to the front of the property.

At the rear the flat roof dormer would measure 7.82m wide with a 2.3m projection. It would be set down from the ridge by around 700mm and set back from the rear elevation by around 200mm.

The single storey rear extension would project 3.5m from the original rear elevation and would measure 6.72m wide. The roof would be mono-pitched with three rooflights. The plans show it would be around 250mm off the shared boundary with the attached property.

The garden room/garage extension would project 2.17m to the rear of the existing garage and it would measure 7.36m across the rear elevation. To the west side it would measure 4.37m long and it would project 3m from the west side of the existing garage. There would be patio doors to the elevation facing the main dwelling with a single window to the west side. The flat roof would be replaced with a pitched roof.

Relevant Planning History

N/A

Publicity

7 neighbours notified on 16/01/2023 - Two neighbours sent in comments as follows;

One neighbour wanted to know the overall height to the apex of the garage. Referring to the side elevation and total height of the garage and garden room including the pitched roof. They advised sunlight from 3 pm onwards will be reduced into their garden by any additional height of the garage structure and garden room extension. Ref 00302615.pdf showing side elevation. They wanted to assess this situation before staying neutral in this planning application.

The second neighbour also enquired about the dimensions of the garage/garden room as they are concerned about light to the rear of their property. They are also concerned about the development of the site because they have issues with flooding to their rear garden. This neighbour also wishes to know if the garage/garden room would be used as a separate dwelling.

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 proposed flat roof dormers to the front and rear of the property would be considered to be in keeping with the existing building as well as with other properties along Pennine Close, as would the porch to the front of the house.

The dormers along with the rear extension and garden room/garage extension would be built with a design and finished materials, including rendering that would be considered to be acceptable in this location, and as the majority of the proposed works would be to the rear of the property they would not have any significant detrimental effect 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 -

- Properties to the front and rear of the site would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity at those properties.
- The porch extension would be situated to the centre of the front elevation, set well away from the shared boundary with no.3 Pennine Close next door. As such it would not have any significant detrimental effect on residential amenity at the attached neighbouring property.
- There would be just over 14m from the rear dormer to the rear boundary. This would be acceptable in terms of SPD 6 and would not have any significant detrimental effect on residential amenity at properties to the rear.
- Any views from the rear dormer would be towards the rear of site and not directly towards either of the adjacent properties and gardens.
- The single storey rear elevation would project around 500mm beyond the rear elevation of the rear extension at no.3 next door. As such there would be no significant detrimental impact on residential amenity at the attached property.
- There would be around 11m from the rear of the single storey extension to the rear boundary. This would be acceptable in terms in SPD 6.
- To the east side elevation of the existing dwelling three windows and a door would be removed and one high level bathroom window installed at ground floor level. This would

be acceptable in terms of SPD 6 and there would be no significant detrimental impact on privacy at no.7 next door.

- The proposal would not have any impact on existing parking arrangements within the site.
- The rear elevation of the garden room/garage extension would be around 12m away from the rear of 166 Chitern Drive at the rear. As the building would be single storey and there would be no windows in the rear elevation this separation distance would be more than acceptable in terms of SPD 6.
- There would be no windows in the east elevation of the garage and garden room extension adjacent to the shared boundary with no.7 Pennine Close next door.
- The west side of the garden room extension would be around 3m away from the shared boundary with no.3 Pennine Close and there would be a single window in the side elevation. As the garden room would not be considered to be a habitable room and any views from the window would only be towards the very rear end of the neighbour's garden it is considered that the position of the window would not cause any significant harm in terms of residential amenity next door.
- There is an existing drainage system on the garage, to which any new drainage could be tied in to. However, drainage would also be included as part of the Building Control application.
- The front dormer would not project any further forward on the roof than the existing dormer does.
- The proposed plan shows that the existing garage would remain as a garage. It would have a door installed to the rear for access to a new toilet, which would also be accessible from the garden room.

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.

Parking -

The proposal would increase the number of bedrooms from 2 to 3 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 2 parking spaces. Parking would be as existing to the drive on site which would be unaffected by the development and there is space for two vehicles. There may be potential for further if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Response to neighbour comments -

Two neighbours contact the department requesting further information regards the proposal. A letter was sent to one neighbour on 08/02/2023 advising that drainage would be considered as part of the Building Control application. The agent has also confirmed that any new drainage would be directed to the existing grid situate to the front of the garage.

The same neighbour was also informed what the dimensions of the new garden room would be and that although they are concerned about over development of the site there would be ample amenity space remaining to the front and rear of the site if the proposal is approved. The agent has confirmed that water from the garden room and new garage roof would be directed in to the existing drain situated at the front of the garage.

The second neighbour wanted to know the overall height of the new roof to the garage as they are concerned about light to the rear of their property. An email was sent to them on 07/02/2023 advising what the proposed dimensions would be and they were advised to email again if they have any further comments or questions.

No further correspondence has been received.

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 22/715/01, 22/175/02, 22/175/03, 22/175/04, 22/175/05, 22/175/06 and 22/175/0, and the existing and proposed site plans. 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.

<u>Case Officer</u> <u>Date</u>	<u>Sign off Officer</u> <u>Date</u>
AU - 17/02/2023	