

DELEGATED REPORT

Report by Jane Langan	Date of report: 09/01/2023	Ref: 68889/FUL
Registration: 14/09/2022	LDFC: 02/11/2022	Expiry Date: 09/11/2022
Site Visit: 09/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/Single storey rear extension

Location: 26 Freckleton Drive, Bury, BL8 2JA

Description

The property is a two storey detached house and has been previously extended two/single storey at the front and two storey at the side. There is garden and parking to the front and a fenced garden to the rear. To the south side is a path that cuts through to Watling Street and to the opposite side is No.28, a detached house which is at a higher level. To the rear the site borders the rear garden to 33 Watling Street.

The application proposes extending at the rear. A single storey would project 4.9m deep across the full width. A first floor extension 4.9m wide would be set in 4.2m in from the north side and 2.5m in on the opposite. The extension would form an extended kitchen/dining and living area with an additional bedroom and ensuite at first floor.

Relevant Planning History

58775 - First floor extension at front and single/two storey extension at side/rear - AC 27/08/2015

37491 - Single storey extension at front - AC 27/03/01

Publicity

Surrounding neighbours were notified by letter and 3 responses have been received from nearby neighbours. Their concerns in summary are :-

- Loss of privacy to rear properties
- Noise pollution due to size increase.
- Construction could cause air pollution.
- Affect wildlife habitats at the rear
- Out of keeping with the area.
- Concerns regarding drainage on neighbouring properties and footpath
- Don't seem to be any plans
- Form says no trees within falling distance but there are.
- Application is in the name of someone that doesn't live there

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposed single storey part of the extension would be flat roofed with doors and windows to the rear elevation. The proposed first floor would have a dual pitched roof forming a rear gable that would have one feature window, similar to that to the front elevation. Composite larch cladding would frame this window. Walls would be finished in white render and the roof tiles black/grey to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Certificate A has been completed however for the avoidance of doubt an informative is added regarding no encroachment to the adjacent footpath which is adopted highway.

Parking - The proposal would increase the number of bedrooms from 4 to 5 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 3 parking spaces. The site as existing can accommodate this level of parking.

Residential amenity - The 45/25 degree rule is set out in SPD6 to ensure that proposals for extensions do not have a detrimental impact on a neighbouring properties in terms of loss of light and unacceptable levels of overshadowing. Where adjacent the boundary with the neighbouring property at No.28 the proposal would be single storey. It would encroach the 45 degree line from the closest ground floor window to this property but as the proposal would be single storey it would not encroach taking the 25 degree line. The proposed two storey would be set well in from the boundary and would not encroach the 45 degree line. A condition is added for the proposed first floor side ensuite window to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor window to the boundary which would comply with SPD6 Aspect Standards set out in order to maintain adequate privacy distances and avoid overbearing relationships.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objections

The issues regarding visual amenity and privacy to the relevant neighbouring properties are addressed in the above report.

Noise or air pollution issues would be dealt with under the relevant environmental legislation where appropriate.

The proposed extension would be located in a domestic rear garden. The owner is responsible to ensure they do not breach any Wildlife Acts.

Drainage of the proposed extension is a constructional matter that would be dealt with under Building Regulations.

The plans are available on the councils website.

There are no protected trees on the site that need to be considered as part of this application.

The applicant does not need to reside at the property. Certificate A has been completed to confirm the applicant is the owner 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.

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

- 2 This decision relates to drawings numbered 0.01a 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 Unitary Development Plan listed.

- 3 Before the first occupation of the extension hereby permitted the ensuite window to the first floor north side elevation 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>
JL	09/01/23		