

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/06/2023	Ref: 69585/FUL
Registration: 09/05/2023	LDfC: 01/06/2023	Expiry Date: 04/07/2023
Site Visit: 24/05/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/first floor extension at side and single storey extension at side/rear;
Alterations to boarding/render to existing front outrigger

Location: 17 Braemar Drive, Bury, BL9 7PF

Description

The property is a two storey detached house located at the top of a cul de sac. It has garden and drive to the front and an attached double garage to the west side and is extended single storey across part of the rear. There is a rear garden with fencing along the sides and the rear boundary has a retaining wall with planting that screens from the road to the rear, Bridgefield Drive. The neighbouring property to the side of the proposal is 2 Bridgefield Drive. Its front elevation faces on to Bridgefield Drive and it sits forward of the rear elevation of the site with a side gable wall that has one window to the ground floor. Its rear elevation has ground and first floor windows closest to the boundary and it is then extended with a conservatory. Conifers provide some screening along the shared boundary. 15 Braemar Drive sits side on to the south of the site front garden.

The application includes a first floor extension above the garage and to the rear of the garage a two storey extension to infill up to the existing main rear elevation. To the rear the existing single storey would be extended along the full width of the rear elevation as existing and extended. The extension would form an extended kitchen and a games room at ground floor with an additional bedroom with ensuite and dressing room at first floor.

The proposal is a similar scheme to application 54728 that was refused and then dismissed on appeal in 2011 (APP/T4210/D/11/2162717). 54728 did not include the single storey rear extension and the roof extended out to a side gable, this application proposes a hipped roof.

Relevant Planning History

54278 - Two storey side extension - Refused 08/09/2011
APP/T4210/D/11/2162717 - Appeal Dismissed 16/11/2011

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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 extension would have a hipped roof with a front gable feature with tudor boarding to match that to the opposite side. To the rear the single storey would have a pitched roof extending from the existing single storey with roof lights and doors to the rear. Materials would be roof tiles and brick 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.

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 has a drive area at the front that can accommodate this level of parking.

Residential amenity - The proposed single storey rear extension would not impact on the amenity of the adjacent 2 Bridgefield Drive as this property sits set back from the rear elevation if the site. It is the case however that the proposed first floor/two storey extension would project a significant way past the rear elevation of No.2 by approximately 6.5m. There is proposed a secondary bedroom window to the first floor side indicated to be obscure glazed and this could be controlled by condition. In terms of assessing the impact on the windows to No.2 then SPD6 was updated in 2020 and now takes a 45 degree line from the centre of the closest ground floor habitable room window rather than the 45 degree line 1m out along the shared boundary from the rear of a neighbouring property that was the case in 2011. For this proposal there would be a small amount of encroachment, approximately 1m. SPD6 does also state that consideration will be given to the impact to any outside amenity space in terms of overshadowing and overbearing development. With the length of proposed development located to the south east side there would be significant loss of light and overshadowing in the early part of the day and in winter months when the sun is lower. The difference from the dismissed appeal is the now proposed hipped roof. It is not however considered that this would make any significant difference in terms of the substantial loss of light to the garden of this neighbouring property. The conifers that were present in 2011 are still along the boundary of the site and No.2 however they are not a permanent feature that an extension would be as they could removed or reduced at anytime. In conclusion, due to the size and position of the proposed first floor/ two storey extension the proposal is considered to be seriously detrimental to the amenity of the occupiers of 2 Bridgefield Drive.

There would be no serious impact to 15 Braemar Drive located to the south where the proposed first floor would face across the single storey attached garage at the front.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties with regard to visual amenity but would be contrary in terms of residential amenity.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would by reason of its height, size and position; close to the boundary with and south east of, 2 Bridgefield Drive, severely affect the light to the rear of this property and its garden which will be seriously detrimental to the residential amenity of that property. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

<u>Case Officer</u> JL	<u>Date</u> 27/06/23	<u>Sign off Officer</u>	<u>Date</u>
---------------------------	-------------------------	-------------------------	-------------