

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/03/2022	Ref: 68000/FUL
Registration: 20/01/2022	LDfC: 17/02/2022	Expiry Date: 17/03/2022
Site Visit: 25/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front/rear extension; First floor side extension

Location: 40 Trimingham Drive, Bury, BL8 1JW

Description

The property is a two storey detached house on a residential estate. It has garden and drive at the front and to the side a flat roofed single storey section forming a garage/store and part of the kitchen. To the front it extends across as a canopy to the front entrance. To the rear is a fenced garden and there are no properties directly at the rear. The adjacent neighbouring properties are Nos. 38 & 40 and the same house type. Both have extended above the garage and No.42 is extended at the rear with a conservatory.

The application includes extending at first floor above the garage to add a bedroom with an existing one becoming an office. To the front a single storey would project 1.7m deep extending the lounge and run across the frontage extending the porch and storey that come out deeper as existing. To the rear a single storey would come out 3.7m deep for 4.1m across to the north section of the rear elevation to form a family room.

Relevant Planning History

48021 - First floor extension at side - AC 13/06/07

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 first floor would be built to within 1.1m of the side boundary. Terracing would not be an issue as the property is one in a short row of 3 where the neighbouring properties to each side have also built above the garages. The proposed first floor would have a pitched roof running from the main ridge and forming a side gable wall. To the front the section of the garage porch and lounge that would project out single storey would have a hipped roof. It would not project excessively from the front and the adjacent No.38 is extended in a similar manner. To the rear the single storey would have a dual pitched roof with doors to the side elevation into the garden. Materials would be white render to the first floor front elevation as existing and extended. The remaining extension walls would be in matching brick and with roof tiles to match.

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 add a bedroom with an existing one becoming an office. This could however be returned to a bedroom therefore the property could potentially be a 4 bed. 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 to the front which can accommodate 2 vehicles. The area has on street parking and there is public transport available. In this instance then the

parking arrangements are considered sufficient.

The store to the front would not be of a size to accommodate a car but would have a garage roller shutter type door. This would be set in and the plans note a 5.5m drive length from the door.

Residential amenity - The proposed first floor would run adjacent the blank side elevation to No.42. There would be one window to the proposal to the ground floor to this side and this would then look on to the neighbouring blank wall.

The single storey would be to the side to No. 38 and at 3.7m would be of a depth less than that which can be built as permitted development. The front extension is not of any depth that would have any significant impact on the adjacent neighbouring properties.

There would be a distance in excess of 7m from the proposed first floor window to the rear boundary and there are no properties directly to the rear. As an ensuite the window would also be to a non habitable room.

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.

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 1/44/2022, 2/44/2022 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.

<u>Case Officer</u> JL	<u>Date</u> 18/03/22	<u>Sign off Officer</u>	<u>Date</u>
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