

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/04/2022	Ref: 67989/FUL
Registration: 08/02/2022	LDFC: 23/03/2022	Expiry Date: 05/04/2022
Site Visit: 07/03/2022	Site Notice: 02/03/2022	Press Date: 17/02/2022
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/first floor side extension; Single storey rear extension; Front porch with canopy to front elevation; New 1.8m high boundary fencing

Location: 74 Boundary Drive, Radcliffe, Bolton, BL2 6RU

Description

The property is a two storey detached house with attached garage and is located on a corner plot. It has a drive and garden to the front and the garden extends around the side and to the rear. Along the side boundary there is planting and to the rear of this a brick wall with railings above. Works have commenced on an extension to the rear elevation of the property. The neighbouring property to the side is No.76, a two storey detached house which has a blank side gable wall adjacent the site. To the rear No.72 sits with its side elevation and rear garden along the rear boundary of the site.

The application includes a first floor extension above the garage with a two storey section to the rear of the garage infilling the south east corner. To the rear a single storey would come 3.8m deep for 9.2m across the original rear elevation. The plans notes this has commenced as permitted development. A front porch would be added 1.5m deep and 3m across. The extensions would form a lounge, extended kitchen and utility. At first floor an existing bedroom would become a walk in wardrobe and 2 of the other bedrooms extended. It is also proposed to remove the brick wall with railings and planting along the side boundary and replace with a 1.8m high wooden close boarded fence.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 09/02/22. A site notice was posted on 02/03/22 as a press advert had been placed in the Bury Times on 17/02/22 as affecting a public right of way. Footpath 24CC does however run along the pavement to the front.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions for the visibility splays and materials storage.

Public Rights of Way Officer - No comments received.

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 site is located on a row of 3 detached properties along this section of Boundary Drive and the proposed first floor would be built retaining a 2m gap to the side boundary. As such there would be no issue regarding terracing. The first floor extension would have a hipped roof running from the main ridge. The front porch would not project excessively at 1.5m deep and have a dual pitched roof which would extend out as a canopy to each side. To the rear the single storey would have a monopitch roof. Materials would be render to the front elevation existing and proposed and matching brick to the remaining walls and rear extension. Roof tiles would be to match.

The replacement fencing would be close boarded timber fencing 1.8m high and set back 2.4m retaining the side verge. This has been revised from the original set back of 1.8m to

retain visibility splays to the drive to No. 72 at the rear. Whilst the existing soft landscaping would be lost the fencing would be typical domestic type and the set back would ensure it would not appear intrusive in the street.

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 not increase the number of bedrooms it would remain as 4 bed, with an existing small bedroom becoming a walk in wardrobe and 2 existing bedrooms extended, therefore SPD 11 Parking Standards need not be considered. Parking would remain as existing to the front drive which has 2 spaces. The area also has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The proposed first floor/two storey would run adjacent the blank two storey side wall to No.72. To the rear the single storey would be 3.8m deep and set approximately 7.4m in from the boundary from this neighbouring property. To the rear there would be in excess of 7m from the proposed first floor window to the rear boundary.

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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 1,2,3,4,5,6A,7,8,9,10,11,12 and Site Plan Showing Visibility Splay 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 The visibility splays/forward visibility envelope indicated on the approved 'Site Plan Showing Visibility Splay' shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary

Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/04/22		