

DELEGATED REPORT

Report by Amanda

Date of report: 26/10/2020

Ref:65965/FUL

Uhunmwagho

Registration: 14/09/2020

LDFC: 16/10/2020

Expiry Date: 09/11/2020

Site Visit: 21/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension

Location: 12 Lepp Crescent, Bury, BL8 1HX

Description

The property is a two storey semi-detached house with gardens to the front and rear of the dwelling. There is existing on site parking to the front of the building as well as on street parking to the highway in front and there is a porch to the front and conservatory to the rear. The area consists of mainly local authority owned houses and flats.

The proposal is to build a two storey side extension projecting 3.8m wide and it would be built flush to the existing front and rear elevations. The roof would be hipped.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 24/09/2020 - No comments or objections received.

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 states that normally a first floor set back to the front of a two storey side extension would be required in order to prevent terracing between properties which would otherwise not be characterised as terraced. The plans show that there would be no first floor set back to the proposed side extension on this property. However, there would be a gap to the shared boundary with no.10 Lepp Crescent measuring 1.6m and on the opposite side of the boundary at no.10 there is a gap to the boundary measuring 2m. With this in mind there would be no concerns regards future terracing, even if the owner of no.10 were to extend to to the side as well.

The roof of the extension would be hipped which would retain the character of the existing property and the proposed design and materials would compliment the existing building. The design of the proposal is considered to be in keeping with the existing building.

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 of site on Lepp Crescent would be approximately 20m from the front elevation of the extension which would be sufficient enough for the proposed

extension not to have any seriously detrimental effect on residential amenity at these properties.

- At the rear there would be approximately 14.5m from the rear elevation to the flats on Brandlesholme Road. Given that there would be 9m from the rear elevation of the extension to the rear boundary with the flats and that there is an existing first floor bedroom window in the rear elevation the additional bedroom window to the rear elevation would not have any seriously detrimental effect on residential amenity at the flats to the rear.
- As the extension would be built flush to the existing front elevation there would be no impact on existing parking available on the site. The drive way would remain as 5.4m and there are no parking restrictions to the highway in front. This would be acceptable in terms of SPD 6.
- As the extension would be built wholly on the south side elevation there would be no detrimental impact on residential amenity at no.14 attached to the north side.
- There would be no windows in the side elevation of the extension and there are no habitable room windows to the side of no.10, unattached to the south. Taking this in to account and the fact there would be a gap between the side elevation and the shared boundary of 1.6m there would be no seriously detrimental effect on residential amenity at this property.

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 and the 45° rule from nearest relevant window of the adjacent property.

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 drawing numbered DE/482 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	26/10/2020	DM	03/11/2020