

DELEGATED REPORT

Report by Amanda

Date of report: 27/05/2022

Ref:68204/FUL

Uhunmwagho

Registration: 09/04/2022

LDfC: 27/05/2022

Expiry Date: 04/06/2022

Site Visit: 12/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side; Front porch

Location: 11 Redmere Drive, Bury, BL9 9GB

Description

Planning permission was previously refused at this property on 16/12/2021 for a much larger scheme which involved extensions to the front, side, rear and roof of the dwelling. The current proposal is for a much smaller development.

The application property is a two storey detached house situated on a corner plot on Redmere Drive with Astbury Close to the north side. There is a very small open plan garden area to the front with private garden to the rear. There is a drive way to the side with a detached garage to the rear (attached to a second garage belonging to the neighbour at no.9 next door). There is a gate to the side of the property for access to the rear and there is a brick wall along the north side boundary with fence to the rear. The property has an existing single storey extension to the rear.

The proposal is to build a two storey side extension and a front porch. The extension would project 2.36m to the side and it would measure 7.56m long. The side elevation would be built around 729mm off the shared boundary with no.9 Redmere Drive next door and the roof would be pitched. The front elevation would be set back from the main front elevation by 675mm.

The front porch would project 1.3m forward of the front elevation and it would measure 2.38m wide. It would be an open porch with a hipped roof.

Relevant Planning History

67695 - Two storey side extension, first floor rear extension with loft conversion/rear dormer and single storey front extension with first floor balcony - Refused 16/12/2021
21/0395 - Change of use of residential garage to hot food takeaway - 07/01/2022

Publicity

Neighbours notified on 05/05/2022 - No objections or comments received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be built with materials and a design that would be considered to be in keeping with the existing building as well as the surrounding properties.

SPD 6 requires there to be a 1.5m set back at first floor level from the original front elevation to prevent 'terracing' and a detrimental effect on the streetscene. However every site is assessed on its own merits and in some instances a lesser set back would be considered acceptable.

No.9 Redmere Drive, next door, has been extended at the side, right up to the shared boundary and the whole of that extension is set back from the front elevation of the building. The proposed extension would be set back from the front elevation of the application property by 675mm meaning the front elevation of the extension would be in a similar position to the front elevation of the extension next door. Given that the application property is the end dwelling in a short row of three properties the design of the proposed extension would be considered acceptable and there would be no concerns regards terracing in this instance.

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 -

- There are no properties directly to the front of the site.
- There would be just over 9m from the proposed first floor bedroom window to the rear boundary and any views from this room would be over the applicant's garage/garden.
- As the extension would be built on the north side of the property there would be no detrimental impact on residential amenity at properties to the north.
- There would be no windows to the side elevation adjacent to no.9 next door and there are no windows to the side of no.9.

Taking the above in to account 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 residential amenity.

Parking -

The proposal would increase the number of bedrooms from 3 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 to the front/side. When the extension is built parking on site would be reduced to one space at the front.

It is noted that the applicant could build a single storey side extension under permitted development rules which would also reduce parking on site to one space. Taking this in to account as well as the fact that there is ample on street parking available to the front/side of the site and there is public transport available nearby one parking space upon the site would be acceptable in this case.

Normally a drive length of at least 5m would be expected on site, as measured from the back of the highway in front. However a lesser distance of 4.8m may be acceptable on some sites where there would not be a high volume of traffic. The proposed drive length on site would be 4.8m but as the site is not on a main road and the only passing traffic would be for residents of Astbury Close to the north this would be acceptable in this instance.

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 72_01, 72_02, 72_03, 72_04 and 72_09 received on 14/03/2022 and drawings numbered 72_05, 72_06, 72_07, 72_08 and 72_10 received on 09/04/2022 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 27/05/2022			