

DELEGATED REPORT

Report by Amanda

Date of report: 11/01/2022

Ref:67735/FUL

Uhunmwagho

Registration: 29/10/2021

LDFC: 01/12/2021

Expiry Date: 24/12/2021

Site Visit: 10/12/2021

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 front extension; First floor bay window at front; Juliet balcony to the front; Two storey side extension with gable roof; Ridge height to be increased by 200mm; Dormer extension at rear; Single storey rear extension

Location: 3 Brocklehurst Avenue, Bury, BL9 9AQ

Description

The application relates to a two storey semi-detached house situated at the end of a small cul-de-sac comprising of just six properties (three pairs of semis). There is a small front garden with a short wall along the front boundary and there is a drive way for one vehicle on site. To the front of the site is Bury athletic grounds. At the rear of the property there is a private garden with fences to all boundaries.

This application has been submitted at the same time as a proposal at no.1 Brocklehurst Avenue next door (ref 67734), which would mirror the proposed development at no.1. The proposal is to build a two storey side front extension, two storey side extension with hipped roof, first floor bay window to the front, Juliet balcony to the front, single storey rear extension and a rear dormer.

At the front the two storey porch/landing extension would project 1524mm forward of the existing front elevation and it would measure 2978mm wide. The roof would be pitched.

The side extension would be set back from the front elevation by 500mm and it would have bay windows to ground and first floor levels. It would measure 2702mm wide x 7204mm long and the bay windows to the front would measure 762mm x 2164mm. The bay windows would be set back from the two storey front extension by around 1229mm and the roof would be pitched. The ridge height of the property would be increased by 200mm.

The single storey rear extension would project 3013mm from the original rear elevation and it would extend across the rear elevation measuring 8263mm. It would have a mono-pitched roof with three rooflights and it would be built adjoining the proposed single storey rear extension at no.1 next door.

The rear dormer would have a flat roof and would be set down from the ridge and back from the eaves. It would measure 8698mm wide, set in from the gable elevation by around 350mm and away from the proposed dormer at no.1 by approximately 935mm.

The plans also show that the existing drive way would be extended slightly across the front garden area to create a further parking space. The plans advise that this area would be constructed from permeable/porous materials which would be considered Permitted Development.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 10/11/2021 - 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 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 whole of the front elevation of the side extension would be set back from the front elevation by 500mm and the existing path to the side of the property measuring around 1000mm would be retained. Taking this in to account there would not be any concerns regards terracing with no.5 Brocklehurst Avenue next door.

The ridge height would be increased by around 200mm. Given that there are only 6 properties along Brocklehurst Avenue with numbers 1 and 3 being at the very top of the road this increase would be very minimal and as such it is considered that it would not have any significant detrimental impact on the character of the existing streetscape.

The proposed design of the development would modernise the appearance of the existing property as viewed in the streetscape with the Juliet balcony and new pitched roof. This would be different to the two more traditional hipped roof semi-detached properties on Brocklehurst Avenue. However, given that the road is only a short row of six homes and the proposed materials would match and/or compliment the existing building the proposed development would be considered acceptable in this location.

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 -

- The two storey front extension would be approximately 4800mm from the front boundary. As the first floor window in this extension would be to a non-habitable room and any views would be over the highway and athletics ground opposite there would be no significant detrimental effect on residential amenity due to the position of this extension to the front of the building.
- The side extension would be a minimum of 1000mm to the shared boundary with no.5 next door. As there would be no habitable room windows installed to the side elevation this distance would be acceptable in terms of SPD 6.
- There would be just over 11,000mm from the rear of the single storey extension to the rear boundary and just over 14,000mm from where the proposed dormer would be positioned. These distances would be acceptable in terms of SPD 6.
- The single storey rear extension would be built joined to the proposed single storey rear extension at no.1 next door and they would both project out to the same point. As the same person owns both number 1 and 3 Brocklehurst Avenue certificate A has been signed with regards to both properties. As such although the two extensions would be joined it is considered that there would not be any significant detrimental impact on residential amenity in this instance.
- The rear dormer would be set in from the party wall with no.1 by about 935mm.

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.

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 which would be widened to provide up to 2 parking spaces within the site which would measure 6000mm. As 5000mm is the minimum this length would be sufficient. The area has on street parking and there is public transport available nearby. In this instance then the parking arrangements are considered sufficient. Therefore 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.

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 existing drawings numbered 21/673/01, 21/673/02 and 21/673/06 received on 29/10/2021 and revised proposed drawings numbered 21/673/03A, 21/673/04A, 21/673/05A and 21/673/07A received on 21/12/2021 as modified by the email from Mr John Hodgkinson dated 21/12/2021. The development shall not be carried out except in accordance with the details 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 - 11/01/2022		DM	11/01/2022