

DELEGATED REPORT

Report by Helen Pressley	Date of report: 18/04/2023	Ref: 69424/FUL
Registration: 16/03/2023	LDfC: 15/04/2023	Expiry Date: 11/05/2023
Site Visit: 13/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front porch extension and single storey extensions at side / rear

Location: 10 Rhiwlas Drive, Bury, BL9 9DD

Description

The application relates to a semi-detached dwelling located on Rhiwlas Drive. The site has a paved frontage, that leads along the side of the property to a car port. To the rear the property has a single storey conservatory extension and an area of private residential amenity space.

Planning permission is sought for the construction of a single storey wrap around rear and side extension that projects approximately 2522mm to the rear of the original dwelling, 2407mm to the side of the original dwelling. The proposal also includes the provision of a single storey front extension and porch that project approximately 1150mm to the front of the dwelling and an additional canopy that projects a further 650m.

Relevant Planning History

65012 - Two storey extension at side/rear; single storey front extension; single storey front porch extension; single storey rear extension - Approve with Conditions 24/02/2020

65335 - Two storey extension at side/rear; single storey front extension; single storey front porch extension; single storey rear extension - Approve with Conditions 22/04/2020

Publicity

Neighbour letters sent 23/03/2023. No representations 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

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 rear extension would have a pitched, lean to style roof that would tie in with the pitched gable roof of the proposed over the single storey side extension. The proposed windows and doors are considered to be suitably aligned. The overall scale and massing of the wrap around extension is considered to be acceptable and would not overwhelm the dwelling or result in over development of the associated residential amenity space.

The proposed porch would not project excessively from the front of the main dwelling and a number of properties have porch canopies to the front of their properties within the row. Whilst Doric-style columns are not visible within this particular row the proposed porch is set back from the main road and there are examples on Parkhills Road and as such it is considered that the porch would not be at odds with the wider character of the locality.

The use of matching materials is considered to be appropriate.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Proposed rear extension would not project more than 3 metres beyond the rear of No. 8.
- Proposed rear extension would not project more than 3 metres beyond the rear of No. 12.
- No proposed windows facing towards No. 8.
- No proposed windows facing towards No. 12.
- Proposed steps adjacent to the boundary with No. 12 would be used to access the garden rather than creating a platform that can be utilised for amenity space and as therefore considered to be acceptable.
- Proposed front extension would not impact on a 45 degree line as taken from the nearest ground floor window of No. 8
- Proposed front extension would not impact on a 45 degree line as taken from the nearest ground floor window of No. 12
- The floor levels of the host property are raised above the garden as such the rear ground floor windows have been assessed as if they're first floor windows. The proposed rear windows would be located approximately 10 metres from the rear boundary exceeding the 7 metres required by SPD 6.
- Proposed front windows would be separated from the directly facing properties by gardens/drives and a highway as such no undue overlooking foreseen.
- Proposed side extension would be located adjacent to the side elevation of No.12

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 Location Plan, SHT 1 of 2 and SHT 2 of 2 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 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	18/04/2023	DM	02/05/23