

DELEGATED REPORT

Report by Amanda

Date of report: 07/11/2023

Ref:70082/FUL

Uhunmwagho

Registration: 15/09/2023

LDfC: 14/10/2023

Expiry Date: 10/11/2023

Site Visit: 12/10/2023

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 rear extension; front porch and pitched roof over existing garage

Location: 90 Hunstanton Drive, Bury, BL8 1XH

Description

The application relates to a two storey detached property with a flat roof double garage and single storey extension to the west side. The properties occupies a corner plot fronting on to Hunstanton Drive to the front and Woodhill Road to the east and there is a lot of trees and other planting to the side and rear boundaries. At the front the garage projects forward of the main dwelling and there is a driveway for two vehicles in front. There is a garden area with a hedge and other planting to the front.

The proposal is to build a two storey rear extension, front porch and a pitched roof over existing garage. At the rear the extension would project 3m from the original rear elevation and it would extend across the whole of the dwelling and garage. At ground floor level the extension would extend the existing living room and kitchen as well as creating a new dining room. The roof to the single storey section would be pitched and there would be two rooflights installed.

The two storey section would also project 3m and would extend across the rear elevation of the existing building. The roof would be hipped. At first floor level two existing bedrooms would be extended, a new en-suite bathroom would replace the existing bathroom which would be relocated to the opposite side of the building.

At the front the proposed porch would project 2.29m forward of the existing front elevation and it would measure 2m wide. The roof would be hipped as would the canopy across the front which would project around 579mm from the main front elevation. The front of the garage would have a hipped roof and it would be pitched to the rear.

Relevant Planning History

62208 - Front porch; Conversion of garage to habitable room together with pitched roof over at front and side - Withdrawn by Applicant 31/01/2018 (different applicant)

Publicity

3 neighbours notified on 25/09/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Canal & River Trust - No objection, but they have advised that the Elton feeder channel which provides water to the Elton reservoir passes in an open, tree lined channel to the east side of the site. The existing building is away from the feeder channel but the extension would bring in closer. As such they have suggested adding a condition to the decision which would require further information to be submitted prior to commencing works.

Pre-start Conditions - The agent has agreed with pre-commencement condition.

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
NPPF	National Planning Policy Framework

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.

Changes to the front elevation include the addition of a porch with a hipped roof, hipped canopy and hipped roof to the existing garage. Properties along Hunstanton Drive have different designs to the front and the proposed works would mirror what has already been done at no.77 Hunstanton Drive opposite.

The new garage roof would have a similar design to others in the area.

The two storey rear extension would be well screened from views off site due to the dense planting along the side and rear boundaries, as well as existing trees on land outside of the site to the east. The whole of the development would be built with materials and a design that would be considered to be in keeping with the existing building. As such would not have any significant detrimental effect on the character of the existing streetscene.

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 would be more than a sufficient distance from the site not to have any significant detrimental effect on residential amenity at those properties.
- The proposed porch and canopy would not interfere with existing parking arrangements to the front of the site.
- The proposed revised roof plan received on 01/11/2023 shows that the new garage roof would and rear extension would be constructed within the site boundaries and the agent has submitted Certificate A with the application stating that all of the development would be within the site boundaries.
- No.88 Hunstanton Drive next door has already added a pitched roof to their garage. As such the proposed pitched garage roof would not have any significant detrimental impact on residential amenity at this property.
- There is an existing single storey extension to the rear of the garage which extends around 4.8m beyond the rear of the garage at no.88 next door. With the addition of the extension it would result in an extension projecting around 7.8m along the shared boundary with this property. It would appear that the space directly to the opposite side of the shared boundary at no.88 is for access to the rear of the garage and dwelling, with the main amenity space to the rear of the property.
- It is unclear what rooms ground floor windows on the rear of no.88 serve but given there is a gap of around 2.5m to the boundary with site the 45° rule would be satisfied in terms of the relationship of the single and two storey extensions with the ground floor windows to the rear of no.88 Hunstanton Drive.
- It is noted that the neighbour at no.88 has not objected to the proposal.
- Normally a distance of 2m would be required from the side elevation of an extension adjacent to a highway. The rear elevation of the existing building is around 1.5m from the side boundary with Woodhill Road and the extension would be around 1.2m at its closest point. As there is existing planting to the side boundary, on and off site the extension would be well screened from the adjacent highway and there is an area of grassland to the side of the site (with trees) which separate the site from the pavement and road. As such it is considered that there would be no significant detrimental effect on the adjacent highway and the lesser distance of 1.2m to the side boundary would be acceptable in this location.
- There would be around 9m to the rear boundary.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking the drive at the front and garage.

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 23-06.03 01, 23-06.03 02, 23-06.03 03 Rev A, 23-06.03 05, 23-06.03 06, 23-06.03 07, 23-06.03 08 and 23-06.03 09 received on 18/09/2023 and drawing numbered 23-06.03 04 Rev B received on 01/11/2023 as modified by the email from TECH:D Ltd dated 01/11/2023. 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.
- 4 Notwithstanding the submitted details, no development shall take place until a scheme showing details of the works to be carried out adjacent to the Elton feeder Channel have been first submitted to and approved in writing by the Local Planning Authority. The details shall:
 - Provide a cross section showing the foundations of the rear extension and its proximity to the Feeder Channel, including written dimensions and relative levels.
 - Outline the means of construction of the foundations of the rear extensions, including proposed earthmoving and excavation works required and set out how the Feeder Channel would be protected during the works (including details of any proposed temporary protective fencing or buffer zone to be erected) to safeguard the waterway infrastructure during construction.

The development shall only be carried out in strict accordance with the approved scheme.

Reason - To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 07/11/2023			