

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/08/2023	Ref: 69862/FUL
Registration: 06/07/2023	LDFC: 15/08/2023	Expiry Date: 31/08/2023
Site Visit: 27/07/2023	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey front extension; Single storey front extension; 2 no. balconies at front, Single storey rear extension and 2 no. window dormers to the front roof

Location: 118 Sunny Bank Road, Bury, BL9 8LJ

Description

The property is a two storey detached house with integral garage and a garden and drive to the front. To the rear it has a fenced garden and works have commenced on a single storey extension approved as part of planning permission 68803. The neighbouring property to the west side is No.116. It is at a slightly higher level and extended single storey at the side/rear. Further along the garden it has a detached garage. To the opposite side No.120 is at a lower level and deeper than the site at the rear. Along the boundary it has a detached garage. To the rear the site borders the rear garden to 11 Cartmel Close and the house is at a lower level.

The application includes extending two storey at the front 2.29m deep and 2.9m across from the main two storey front elevation. To each side of this a single storey 1.3m deep would extend out and have a balcony above. The extension to the west side would include the conversion of the integral garage to a bedroom and the extension to the opposite side would extend the lounge. The two storey would form an entrance and with an internal balcony above. To the front roof slope two pitched roof dormers 1.2m wide would add accommodation to the roof as a bedroom, bathroom and landing. The rear slope would have 2 roof lights. The plans note the whole of the front elevation to be rendered white. To the rear a single storey would come out 5m deep to form a dining room and orangery.

Relevant Planning History

68803 - Single storey front extension; Single storey rear extension - AC 02/11/2022.

Publicity

Surrounding neighbours were notified by letter and 2 responses have been received from nearby neighbours. Their concerns in summary are :-

- Proposal does not make sense
- Already 4 bedroom house why does it need to be made bigger
- Not happy with balconies
- Dormers would not fit in with the other houses on the road
- More people, more cars need more parking
- Is this going to be a HMO ?
- Building work already started

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 and design - SPD6 Section 3 General Guidance requires proposals to achieve a high standard of design and that complements the original building by reflecting its design, massing, scale and finishing materials.

SPD6 Section 4.4 Front Extensions has a general presumption against large extensions at the front of properties due to the need to protect the character of the street scene.

The single storey extension to the rear that has commenced was approved under permission 68803. It has been included in this application description and on the submitted plans. It would have a dual pitched roof and materials would be brick and roof tiles to match the existing property. This element of the application is acceptable.

With regard to the proposals for the front of the property then, on the section of Sunny Bank Road that the site is located, the properties are all of a similar design and this provides the prevailing character of the street scene.

The proposed addition of a two storey front extension and single storey with balconies would appear out of character and as an intrusive feature in the street. There are no other dormers in the immediate area. Front dormers can be acceptable however in this case the addition of two to the front roof slope, with the addition of the front extensions and balconies, would further add to the intrusive nature of the development. It is also proposed to render the front elevation white. Render is not uncommon and a popular domestic finish. In this proposal however, due to the significant proposed alterations to the front elevation, it would have a further cumulative impact on the out of character and intrusive feature in the street.

In this instance, at this particular location, it is considered that the proposal would result in an incongruous development and pays no mind to the original dwelling, finish or locality and would be seriously detrimental to the visual amenity of the area. Therefore the proposal would conflict with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Parking - The proposal would increase the number of bedrooms from 4 to 6 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. Following the front extensions there would be a drive length of 5.79m remaining and it would be 3.8m wide to the side of the two storey. The proposed site plan indicates one parking space, as existing the site can accommodate two. The proposed two storey would restrict the second space and therefore result in the loss of a parking space. There may be potential for a second space in the garden area however insufficient information has been provided to demonstrate this. The area does have on street parking and there is public transport available. With adequate details provided 2 spaces could be considered acceptable.

Residential amenity - The proposed single storey to the rear is as previously assessed and approved. In relation to the adjacent No.116 it would be at a lower level and project approximately 3.4m from the extension to this neighbouring property. The original and main rear windows to No.116 would not see any significant impact. A further material consideration is the larger homes scheme which could allow a deeper extension. The proposed extension would have a bathroom window to the existing side elevation and a door to the extension. No.116 is higher and blank wall along the side therefore there would be no privacy issues.

To the opposite side to No.120 the single storey would not encroach the 45 degree line from the mid point of the closest window to the rear elevation. There would be two windows to the side of the proposal and which are noted to be obscure glazed. This could be controlled by means of condition.

The proposed two storey front extension would be centrally located and not in close proximity to the neighbouring properties to each side. This extension, and the dormers, would face towards the road and the property directly opposite is approximately 24m away.

The balconies would project out 1.3m and, whilst the plans do not indicate any doors to access out, would not create a large area of amenity space. The neighbouring No.116 is separated from the site by its single storey extension therefore, with its first floor window not located in close proximity to the proposed balcony, it would not cause any significant impact on the amenity of this neighbouring property. To No.120 to the opposite side the situation would be similar as they are separated by their drive.

There would then be no serious impact on the amenity of the adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties with regard to residential amenity but would be contrary with regard to visual amenity.

Response to objections - The issues regarding visual amenity, design and parking are addressed in the above report.

With reference to the building work having started then planning permission has been obtained that includes a single storey extension at the rear.

This application is submitted as a householder development for an extension. HMO's can fall under permitted development if within the limitations.

Why an applicant wishes to extend a property is their concern and not relevant to the assessment of this application.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed extensions and alterations to the front of the property would, by reason of size, position, design and materials, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The design of the extensions and alterations to the front of the property are neither appropriate to, nor sympathetic with the existing building, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The application and submitted plans contain insufficient information with regard to the proposed parking arrangements to enable them to be properly assessed.

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<u>Case Officer</u> JL	<u>Date</u> 18/08/23	<u>Sign off Officer</u> DM 25/08/23	<u>Date</u>
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