

DELEGATED REPORT

Report by Amanda

Date of report: 07/12/2020

Ref:66056/FUL

Uhunmwagho

Registration: 23/10/2020

LDfC: 19/11/2020

Expiry Date: 18/12/2020

Site Visit: 20/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at rear & first floor extension at side

Location: 49 Church Meadow, Bury, BL9 8JF

Description

The application property is a two storey detached house with gardens to the front and rear. There is an attached garage to the side and parking to the front of site for at least two or three vehicles. At the rear of the property there is a conservatory.

The proposal is to demolish the existing conservatory to build a two storey rear extension projecting 4m from the original rear elevation and measuring 8.8m wide. The extension would wrap around the side of the property above the existing garage. The front elevation would be built flush above the existing garage.

Relevant Planning History

15/0287 - Garden fence at front of property - 08/07/2015

Publicity

Immediate neighbours notified on 29/10/2020 - one objection from the next door neighbour at 47 Church Meadow. They have objected on the grounds that their home is already dark inside and the proposed extension would block light from a side stairway window at their property which currently allows light from the side in to their living areas. They have stated that the side and rear extensions would block out light from their property which would also reduce the value of their home.

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.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance there is no proposed set back, in fact the front elevation would project forward of part of the existing front elevation in order to mirror the opposite side of the front elevation. The existing path adjacent to the side of the property would remain and the plans show that this measures 1.1m from the side wall to the boundary.

No. 47 Church Meadow to the south is also a two storey property and according to the OS plans the side elevation of this property is approximately 1.3m from the shared boundary. The front elevation of no.47 also lies approximately 800mm forward of the existing front

elevation of the application property. Taking this in to account and that it is considered unlikely that the side elevation of no.47 would be extended towards the shared boundary in the future it is considered that the proposal would not lead to the uncharacteristic linking up of dwellings.

The proposed extension would be built with materials and a style that would compliment the existing building. It would not appear out of character in the existing street scene.

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 and to the rear neighbouring properties are well over 20m from the rear of the property. In addition at the rear there would be over 7m (at the closest point) from the rear elevation of the extension to the rear boundary. The distance would be over 9m on the southern side as the rear boundary is not straight. These distances would be acceptable in terms of SPD 6 and would ensure there would be no future concerns regards privacy at properties to the rear of the site.

At the front of the property the garage would remain and existing parking arrangements on site would also stay the same. This means that there would be at least three parking spaces available on the site which would be sufficient for this size of property in terms of SPD 6 and SPD 11.

With regards to no.51 Church Meadow to the north of the site, this property has not been extended and the proposed two storey extension would project approximately 5.6m beyond its rear elevation. Given that the site is positioned south of no.51 there would be some detrimental impact on light to this property and part of its rear garden.

The side elevation of the extension would be approximately 1m from the shared boundary and there is a gap from the side of no.51 to the shared boundary measuring approximately 2.5m. It was unclear from the site visit what the closest ground floor window is on the rear elevation of this property as planting on the boundary obscured much of the view. However, it was possible to see that there are patio doors on the opposite side of the property with a bedroom above which would indicate that there is most likely a ground floor kitchen window closest to the shared boundary with site. It is possible to see on the site photographs that there is a bathroom window to the first floor, closest to the site boundary. Taking this in to account the 45° rule would be satisfied regards the ground floor habitable room window on the rear of no.51 and given the size of the rear garden the structure would not have a seriously detrimental effect on light availability to the rear garden. It is also noted that this neighbour has not objected to the proposal.

No.47 Church Meadow to the south of site is a two storey detached property with a conservatory on the rear. There is one window to the side elevation adjacent to the boundary which is to a stair way. On the rear elevation above the conservatory there is a bathroom window. There is a fence in between the two properties but not a lot of planting.

The proposed two storey extension would wrap around the original property at no.49, projecting out to the rear to approximately the same point as the conservatory to the rear of no.47. Given that the extension would be two storeys high there may be some impact on light to the side and rear of no.47 but because the site is positioned north of no.47 the impact would not be considered seriously detrimental as the natural path of light would be east to west passing the southern side of the properties.

Unfortunately the construction of the conservatory on the rear of no.47 would already have impacted on how much natural light is available to the dining room at this property and the only window on the north side elevation of no.47 is to a stair way landing which would not

be considered a habitable room window. The owner of no.47 has objected to the proposal on the grounds that the extension would block light to this window which provides light to their living areas as the staircase is open to the lounge and dining room at their property. They are concerned that the rooms are dark already and the extension will make it darker. It is noted that the principal window to the lounge is positioned on the front elevation and to the dining area there are patio doors leading in to the conservatory.

As there is a conservatory on the rear of no.47 the 45° line has been measured from the centre of the rear elevation of that structure and not the original rear elevation. As the extension would not project beyond the rear elevation of the conservatory the 45° rule would be satisfied in respect of this structure.

As well as measuring the 45° line from the rear of the conservatory the same measurement was also calculated from the central point of the original patio doors on the rear of no.47. The 45° rule would be satisfied even if the conservatory were not in situ. As such there would be no reason to refuse the proposal based on its impact to light at no.47 and its rear garden to the south.

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 properties.

Response to neighbour objection -

The concerns regards light have been addressed in the Residential Amenity section in the report above.

In respect of concerns about the neighbour's property being de-valued if the proposed extension would be built. This is not a Planning concern and does not have any bearing on the decision.

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 the drawing received on 15/10/2020 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

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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 - 07/12/2020.		DM	10/12/2020