

DELEGATED REPORT

Report by Tom Beirne	Date of report: 09/05/2024	Ref: 70620/FUL
Registration: 22/03/2024	LDFC: 26/04/2024	Expiry Date: 17/05/2024
Site Visit: 01/05/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Front porch; Single storey rear extension (0.295 metres larger); Dormer extension at rear; Extension to existing 2 no. front dormers to form 1 no. dormer with new balcony, to be clad using uPVC; extension to front bay window; Relocation of front door and removal of side door; garage conversion including change from garage door to window; alterations to the existing vehicular access and replacement of dropped kerb; Alterations to rear garden and retaining wall/boundary.

Location: 34 Newington Drive, Bury, BL8 2NE

Description

The application is a revised retrospective application following a recent approval for extensions and alterations to a semi-detached dormer bungalow on a residential road of similar styled properties.

The attached dormer bungalow has a single storey extension at the rear. The unattached neighbour at No.36 has small 'walk-on' balcony on the front corner at first floor. The properties at the rear are at a higher level (see site photos).

The proposal involves:

- New flat roof front porch;
- Single storey rear extension, projecting out 5295mm from the rear elevation (approximately 1.7m out from the previous single storey extension, now demolished);
- Dormer extension at rear;
- Extension to existing 2 no. front dormers to form 1 no. dormer with new balcony;
- Extension to front bay window;
- Garage conversion;
- Alterations to the existing vehicular access.
- The proposal also includes levelling the rear garden and bounding it with a brick retaining wall. Above the retaining wall there would be grey UPVC panels with supporting posts that would be no higher than the existing boundary fencing and posts which would be retained in situ.

It is noted that this application is retrospective as the works are substantially completed following the approval of a similar scheme in September 2023 (69800). This revised application is submitted due to changes from the approved scheme, most notably the rear extension being 295mm longer and the front balcony being in a slightly different position on the roof plane.

Relevant Planning History

69800 - Front porch; Single storey rear extension; Dormer extension at rear; Extension to existing 2 no. front dormers to form 1 no. dormer with new balcony; extension to front bay window; Relocation of front door and removal of side door; garage conversion including change from garage door to window; alterations to the existing vehicular access and

replacement of dropped kerb; Alterations to rear garden and retaining wall/boundary. -
Approve with Conditions 25/09/2023
23/0471 - Not being built in accordance with approved plans of planning permission 69800 -
19/04/2024. Application received.

Publicity

Immediate neighbours notified by letter dated 05/04/2024. One objection from neighbour stating that the development should be revised to reflect what was previously approved rather than amending the plans to fit the build.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - In terms of design and appearance of the extensions and alterations, the new porch and extended front dormer, along with other alterations are similar to that previously approved (69800) and would not be out of keeping with the existing house and streetscape. There are examples of front dormer extensions along Newington Drive and the immediate neighbour at No.32 has a balcony on the front corner of the house. This makes it difficult to resist the proposal in terms of its impact on the streetscape. The new front brick wall at a height of 600mm and parking area would not be out of keeping with the streetscape.

The rear dormer would be viewed from the public highway, particularly Lyons Drive to the side, however the dormer would likely be considered permitted development under the current regulations and there are similar styled dormer on the rear of properties along the road. The single storey rear extension would not be readily viewed from the road. The alterations to the rear garden would not have a serious impact visually as the brick retaining wall, to allow level changes, and the panelled fencing above would not extend above the existing timber panelled fencing and therefore would be generally acceptable.

In terms of design, appearance and impact on the existing property and character of the streetscape, the proposed extensions and alterations are considered to be acceptable and comply with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The porch wouldn't have an impact on residential amenity. The front dormer and balcony would have the potential of encouraging occupiers of the house to look out across the road to the front. Whilst this would increase overlooking to an extent, it would be at a distance of approximately 25m away, across Newington Drive which is well in excess of the acceptable distance suggested in current guidance. It is also noted that there is a balcony on the front of the neighbouring property.

The rear extension in projecting a further 300mm beyond the previously approved scheme would not be so impactful on the attached neighbour whose conservatory would be adjacent to the shared side boundary and set back about 2m from the proposed extension.

The rear dormer would, in relation to the privacy of the neighbours at the rear, retains a separation distance of approximately 12m. Given the position of the dormer at a lower level to properties at the rear and the separation distance, the proposal would be considered acceptable in relation to privacy.

In relation to the impact of the single storey extension on the attached neighbour, the additional 1.5m projection beyond the existing extension and the existing extension on the rear of the attached neighbour would not have a significant impact and would not warrant refusal.

The revised plans indicated a front balcony extending further over towards the attached neighbour which could create potential problems with regard to privacy and noise and disturbance. Consequently the plan of the balcony has been amended to reduce the impact

on the neighbour.

In terms of residential amenity, the proposal would not have a seriously detrimental impact on neighbours. The proposal complies with UDP policy H2/3 and guidance in SPD6 in this respect.

Access and Parking - As with the previous approval, the existing access onto Newington Drive would be closed off with a new front 600mm high boundary wall and kerbs reinstated. The new 6m wide access would be formed to accommodate two parking spaces. The area would be surfaced in porous tarmac. This arrangement is considered acceptable in terms of the streetscape and highway safety and there is no objection from the traffic team. The proposal complies with UDP Policy H2/3 and guidance in relation to access and parking.

Objection - The comments from the neighbour are noted but notwithstanding the fact that the development has not been built in accordance with a previous approval, the current application is required to be assessed with reference to current policies and guidance. In assessing the revised proposal against these policies and guidance, the extensions and alterations are considered to be acceptable and would not have a seriously detrimental impact on visual or residential amenity.

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 This decision relates to drawings numbered SS2-00, 01, 02A, 03, 05 and 06 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.
- 2 Before the extensions and new parking facilities hereby approved are brought into use, the amended access and parking arrangements indicated on the approved plans, incorporating the reinstatement of the redundant footway crossing to adjacent footway levels and 600mm high boundary wall abutting Newington Drive with foundations that do not encroach under the adopted highway, provision of a new double footway crossing, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the adopted highway and any associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, shall be implemented to the satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to UDP Policy H2/3 Alterations and Extensions.
- 3 Facilities for the safe storage of construction materials shall be provided within the

curtilage of the site to the satisfaction of the Local Planning Authority. The storage area and shall be retained for the intended purpose and shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. In the interests of highway safety pursuant to UDP Policy H2/3 Alterations and Extensions and SPD6.

- 4 The proposed boundary retaining wall and new Upvc fencing in the rear garden, indicated on the approved plans, shall not extend above the existing timber panelled fencing at any point.

Reason. In the interests of visual amenity pursuant to UDP Policy H2/3 Alterations and Extensions and guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	09/05/2024	DM -	09/05/2024