

DELEGATED REPORT

Report by Jane Langan	Date of report: 30/08/2023	Ref: 69904/FUL
Registration: 14/07/2023	LDfC: 25/08/2023	Expiry Date: 08/09/2023
Site Visit: 09/08/2023	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/single storey rear extension

Location: 5 South Close, Bury, BL9 8EL

Description

The property is a two storey semi detached house. It has a garden and drive to the front and a gated gap to the side. To the rear is a fenced garden and the rear boundary borders the rear garden to 9 Burndale Drive and 2 Allendale Drive. The adjoining neighbour is No.7 and is extended single storey at the rear. To the opposite side the unattached No.3 sits set back slightly and has a shallow single storey section at the rear with an obscure glazed window above.

The application proposes a two/single storey extension to the rear. To the adjoining No.7 it would be 1.5m deep as two storey then a further 1.5m deep as single storey. The two storey section would run across from the party wall side for 2.1m where it would then become a full two storey 3m deep across the remainder of the rear elevation.

The extension would form an extended kitchen and dining room at ground floor. At first floor would be two extended bedrooms, one would be the former bathroom which would be relocated to the front smallest bedroom.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 04/08/23. A further letter was sent 08/08 to No.7 as the description was amended from two storey to two/single storey extension at rear. Two responses have been received from nearby neighbours. Their concerns in summary are :-

- Must not be joined to my extension. It is our quiet room.
- Loss of view and light to rear windows.
- Overshadowing to paths.
- Looking out at a brick wall is not very attractive.
- No other two storey extensions. Not in character with the area.
- Devalue neighbouring properties.

Statutory/Non-Statutory Consultations

Property & Technical Services (Estates Consultancy) - No comments received.

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 - The proposed extension would have a dual pitched roof to the two storey sections and the single storey a monopitch. Materials would be brickwork to match the existing and roof tiles to match the existing colour.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11

Parking Standards need not be considered. The site as existing has a drive to the front that would not be affected by the proposal.

Residential amenity - The adjoining No.7 is extended single storey at the rear and the proposed two storey section of the extension would then be effectively as single storey to single storey. It would be located to the north side of No.7 and project less than 3m, at 1.5m, from its first floor rear window. The proposed ground floor would come to be around level with No.7 as extended. This would comply with the criteria as set out in SPD6. There would be a window to first floor elevation to this side to an ensuite. The plans note it as opaque glazed. A condition is added for obscure glazing to be retained.

To the opposite side No.3 is separated by the gap from its drive and that to the site and there would be no encroachment over a 45 degree line from the mid point of its closest ground floor window to the rear. With the gap to the boundary, and the proposed extension projecting less than 3m from the ground floor rear elevation to No.3, it would not be considered to be overbearing or cause any significant overshadowing to the garden area that would give grounds for refusal and the proposal would comply with the criteria as set out in SPD6.

There would be a distance in excess of 7m from the first floor bedroom window to the rear boundary which would comply with SPD6 Aspect Standards.

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

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objections

The issues regarding visual amenity and impact on the relevant neighbouring properties are addressed in the above report.

Planning cannot protect a view.

The proposed extension would not be attached to any neighbouring property.

Property value is not a planning matter.

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 ZT23-196-01, ZT23-196-02, ZT23-196-03, ZT23-196-04 received 21/08/23 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.

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- 3 Before the first occupation of the extension hereby permitted the ensuite window to the south side elevation shall, as noted on approved plan ZT23-196-04, be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	30/08/23	DM	01/09/23