

DELEGATED REPORT

Report by Helen Pressley	Date of report: 17/01/2024	Ref: 70305/FUL
Registration: 04/12/2023	LDfC: 30/12/2023	Expiry Date: 29/01/2024
Site Visit: 15/01/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension

Location: 25 Jesmond Drive, Bury, BL8 1EE

Description

The application relates to a semi-detached dwellinghouse located on Jesmond Drive. The property is located at the end of a cul-de-sac. The premises has parking to the front and side of the property that leads to an existing single storey detached garage. The premises has been previously extended at single storey to the rear, and to the side/rear.

Planning permission is sought for the demolition of the existing single storey side/rear extension and for the construction of a two storey side extension that projects approximately 5757.5mm to the side of the original dwelling. The proposal includes the provision of a canopy across the front at ground floor.

Relevant Planning History

None

Publicity

Neighbour letters sent 7/12/2023. No representations received.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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 two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. As the site is set at an angle when compared to the neighbouring property at No. 23 this set back is not required.

The attached dwelling at No. 14 has an existing two storey side extension and as such the proposed side extension would balance the two properties at the head of the cul-de-sac. The proposed extension would have a pitched, gable roof replicating the shape and style of the original property. The continuation of the existing ground floor canopy would also replicate the style of the existing property. It is considered that the proposed windows are suitably aligned and the use of matching materials is appropriate.

The proposed extension is considered to be of a suitable scale and adequate amount of residential amenity space would be retained.

It is therefore considered that the proposal complies with UDP Policies H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- No.23 has an existing two storey side extension that projects towards the proposed side extension. The openings within the front elevation of this extension appear to face towards the drive of the application site, rather than towards the extension and a review of planning history (33910) suggests these windows are related to non-habitable rooms (study and WC). Additionally as these windows are located within an extension less weight is afforded to their protection. The location of the proposed extension is therefore considered to be acceptable.
- The proposed front ground floor and first floor windows would have an onward view of driveways and open fronted gardens rather than private residential amenity space and as such are considered to be acceptable.
- The proposed rear windows would relate to non-habitable rooms. A WC and utility at ground floor and walk in wardrobe and ensuite at first floor. As such, aspect standards have not been applied.
- No first floor side windows proposed.
- Proposed ground floor side window would be screened by the existing hedge, and would be a secondary window to a room with the principal window located on the front elevation.
- The proposal would change the property from a 3no. bed property to a 4no. bed property. SPD 11 requires a maximum of 3 spaces for a 4no. bed property. The front of the property is currently utilised as a driveway and it is considered there is sufficient space to the front of the property to park vehicles within the curtilage of the site.

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 1, 2, 3, 4, 5, 6, 7, 8, 9 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.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	17/01/2024		