

DELEGATED REPORT

Report by Helen Leach	Date of report: 23/09/2022	Ref: 68625/FUL
Registration: 02/08/2022	LDFC: 08/09/2022	Expiry Date: 27/09/2022
Site Visit: 02/09/2022	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; Single storey rear extension; Erection of fence above existing wall and gate

Location: 514 Bolton Road, Bury, BL8 2DU

Description

The application relates to a semi-detached dwelling house located on Bolton Road. The premises has an area of garden to the front, with a drive that leads down the side of the property to a detached single garage. A further area of private residential amenity space is located to the rear of the property. The dwelling has existing flat roof single and two storey extensions to the rear.

The site is surrounded by residential properties.

Planning permission (63282) was granted for the construction of a two storey side extension and a single storey rear extension in October 2018.

The proposed development involves the erection of a two storey side extension, a single storey rear extension and the increase in height of the front wall to 1.4 metres and the addition of a sliding gate. The existing garage would be demolished.

The proposed extensions and the addition of a pitched roof to the existing single storey flat roofed extension is identical to that which was approved in October 2018.

The proposed fencing would be installed between the existing brick pillars of the wall and the gate would be 1.4 metres in height across the driveway.

Relevant Planning History

15924 - Part single and part two storey dining room and bedroom extension at rear at 514 Bolton Road, Bury. Approved - 8 December 1983

63282 - Two storey extension at side and single storey extension at rear at 514 Bolton Road, Bury. Approved with conditions - 15 October 2018

Publicity

The neighbouring properties were notified by means of a letter on 5 August 2022.

The neighbouring properties were notified of the revised plans on 24 August 2022 by means of a letter.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to storage of

materials and car parking.

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 - 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. The proposed side extension does not include a set back however, a gap of approximately 1000mm to the boundary is provided and the adjacent property is a bungalow, which is considered to be a significantly different style of property. In this instance it is considered that the proposed extension would not lead to the uncharacteristic linking up of dwellings.

The proposed two storey extension would have a hipped roof replicating the shape and style of the original property. This hipped roof would be continued over the existing two storey flat roof extension, which is considered acceptable. The mono-pitch roofs for the single storey elements are considered appropriate. The proposed windows are considered to be suitably aligned when viewed in relation to the existing window arrangement and the use of matching materials would create a harmonious development.

The proposed gate and infill fence panels would be located along the front boundary of the site. The proposed gate would be constructed from black metal and would be a sliding gate and the proposed fence panels would match and would be located above the existing brick wall. There are a variety of boundary treatments in the locality, including railings on top of brick walls. As such, the proposed fence and gate would not be a prominent feature in the streetscene.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, neighbouring properties or street scene and therefore complies with UDP Policy 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.

- Proposed rear elevations would not project beyond the rear of No. 516A
- Front elevation would not project beyond the front elevation of No. 516A
- Windows facing towards No. 516A would relate to a utility and bath at ground floor, and bath at first floor. These windows are considered to be non-habitable and as such no loss of privacy is foreseen.
- There are 3 ground floor windows in the side elevation of No.516A that face towards the site. When the case officer for the previous application visited the site, the room uses were clarified with the occupant. Two of the windows relate to bedrooms and one relates to a en-suite. Whilst bedrooms are habitable rooms, they are located on a side rather than principal elevation and the outlook for these windows at this time is a conifer hedge, which is within the ownership of 516A, and a fence on the common boundary. As such, it is considered that the proposed two storey wall would not be so detrimental to the residential amenity of the neighbouring property that it would warrant refusal of the application.
- Re-roofed single storey extension adjacent to boundary with No. 512 would not project more than 3 metres beyond the rear of this property
- Proposed single storey rear extension adjacent to boundary with No. 516A would project more than 3 metres beyond the rear of No. 512 however it is set off the boundary with this property and would not impact on a 45 degree line as taken from the mid point of the nearest habitable room window.
- re-roofed two storey rear extension would not impact on a 45 degree line as taken from the 1 metre point on the boundary with No. 512
- No windows facing towards No. 512
- Rear first floor bedroom window located approximately 13.4 metres from the directly facing boundary exceeding the 7 metres required by SPD 6
- Rear ground floor windows screened by existing boundary fence
- No directly facing habitable room windows within 20 metres of the rear first floor bedroom window.
- Proposed first floor bedroom window, and ground floor study window located

approximately 38 metres from the front of No. 521 Bolton Road exceeding the 20 metres required by SPD 6

- Driveway of over 5 metres (10.4 metres) retained to front of proposed extension complying with requirements of SPD 6

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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 Location plan, Existing site plan, Proposed site plan, Sheet 1, Sheet 2, Proposed gate and front fence 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.
- 4 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 5 The revised car parking arrangements indicated on the approved plans, incorporating the retention of the existing access and footway crossing and sliding gate, shall be implemented prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 23/09/2022			