

DELEGATED REPORT

Report by Amanda

Date of report: 16/03/2022

Ref:67875/FUL

Uhunmwagho

Registration: 05/01/2022

LDfC: 27/01/2022

Expiry Date: 02/03/2022

Site Visit: 01/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; Single storey rear extension; Garage conversion

Location: 16 Mayfield Road, Ramsbottom, Bury, BL0 9TB

Description

The application relates to a two storey dwelling house with a single storey rear extension and garage to the side. To the front of the house there is a good sized garden with parking available on the site for at least two vehicles. There is a red brick wall and pillars to the front boundary and a hedge.

To the rear of the house there is a large garden with fences to all boundaries and some planting. The property and patio area are slightly higher to the main garden area to the rear.

The garage belonging to no.18 Mayfield Road is built directly adjacent to the shared boundary and projects past the rear of the existing garage on site. There are two small windows in the side elevation. This property is currently being extended. No.14, attached to the opposite side has a canopy of some sort and a small single storey rear extension adjacent.

The proposal is to Build a two storey side extension to the front of the garage, convert the garage in to living accommodation and add a single storey extension to the rear. The two storey extension would project 2.94m forward of the existing garage. At first floor level the extension would be built flush to the ground floor at the front and it would measure 3.35m long. The roof would be pitched with windows to the front and rear elevations.

The single storey rear extension would project 6.09m beyond the rear elevation of the existing garage and it would measure 3.39m wide. Part of the roof would be pitched over the converted garage but the main part of the rear extension would have a flat roof with parapet wall and a single raised rooflight to the centre. There would be a window to the rear elevation and bi-folding patio door to the side. The existing patio would remain as it is.

Relevant Planning History

N/A

Publicity

Neighbour notified on 06/01/2022 (6 properties) - One objections has been received. Their comments include the following concerns;

- Overlooking.
- The extension would be built over a significant footprint in the garden of the site.
- The introduction of bi-fold doors would encourage noise, traffic and towards their property.
- No.8 Mayfield Road had a similar development refused in 2016 based on it being seriously detrimental to the occupiers of the adjoining dwelling house, by reason of the position of the bifold doors facing towards the boundary'.

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.

The proposed two storey side extension would be built with materials and a design that would be considered to be in keeping with the existing building and as such would not have any significant detrimental effect on the character of the existing street scene. At the rear the single storey extension would have a more contemporary design but the proposed finished materials would be considered in-keeping with the existing property. In addition as this extension would be to the rear of the dwelling it would only be visible from the immediately adjacent rear gardens and as such would not have any detrimental impact on the character of the street scene at all.

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 would be at least 20m from the rear elevation of the proposed single storey rear extension to the rear site boundary which would be more than sufficient in terms of SPD6.
- The extension would not project past the neighbouring detached garage and although there are two small windows to the side of this structure they would not be considered to be to a habitable room and there are windows to the opposite side elevation and also the rear. This neighbour has not objected to the proposal.
- There would be around 7.4m from the proposed bi-fold patio doors to the shared boundary with no.14 next door. This distance would be acceptable in terms of the requirements of SPD 6. In addition as the floor to the extension would be at the same level as the garden, with steps leading down in to the room from the main property, any views from the new room would be directed towards the boundary fence and applicant's garden areas only.
- At the front the side extension would be set back from the original front elevation by about 7.4m. As there is a two storey side extension with no habitable room windows to the side elevation currently under construction at no.18 next door there would not be any significant detrimental effect on residential amenity at that property.
- The front elevation of the side extension would be approximately 13.2m from the front site boundary and the plans show that the applicant would be able to park two vehicles directly in front.
- The ground floor utility room window may be concern in terms of Building Regulations. As such an informative would be added to the decision to make the agent/application aware of this.

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.

Parking -

The proposed site plan shows that two vehicles could be parked directly in front of the two storey side extension within the site where the existing drive way is. It also shows an additional parking space across the front garden of the site. There is no further information regards proposed parking on site and it is not part of the proposal.

As the proposal would not see an increase in the number of bedrooms at this property,

there is ample on street parking to the road in front and it is close to a good public transport network, schools and shops the ability to park two cars within the site would be acceptable in this instance. If the applicant wishes to create a third parking space to the front they could possibly do so under Permitted Development. If they cannot create the space as Permitted Development for any reason then they would need to submit a new planning application at the time.

Response to neighbour objection -

The neighbour's concerns have been addressed in the report above.

With regards to the refusal of a planning application at no.8 Mayfield Road in 2016. The delegated report for this property advises that if built the extension would have had bi-folding doors under 6m from the shared boundary with the neighbouring garden. As this would not have satisfied the requirements of SPD 6 it was refused. The proposed extension at no.16 Mayfield Road would be around 7.4m which would be acceptable in terms of SPD 6.

If any issues arise in the future regards noise from the application property the neighbour would need to discuss this directly with them or formally complain to the Environmental Health team at Bury Council. This would not be considered a Planning concern in terms of determining the planning application.

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 brandrick/01, brandrick/02, brandrick/03, brandrick/04 and brandrick/05 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 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> AU - 16/03/2022	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>

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