

DELEGATED REPORT

Report by Amanda

Date of report: 16/02/2024

Ref:70372/FUL

Uhunmwagho

Registration: 27/12/2023

LDFC: 30/01/2024

Expiry Date: 21/02/2024

Site Visit: 26/01/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side and single storey extension at side/front

Location: 144 Nuttall Lane, Ramsbottom, Bury, BL0 9LE

Description

The property relates to a two storey semi detached dwelling on Nuttall Road. The dwelling is constructed from brick with a tile roof. There are gardens to the front and rear and a driveway along the side of the dwelling.

There are residential dwellings to all boundaries.

The proposed development involves the erection of a two storey extension at the side and rear and a single storey extension to the side/front.

The proposed single storey extension would project 1.2 metres from the front elevation and would be 4.6 metres in width. The proposed two storey extension would project 2.2 metres from the gable wall and would be 6.7 metres long. The proposed extension would be constructed from brick with a tile roof. Three parking spaces would be accommodated at the front of the dwelling.

Relevant Planning History

Adjacent site

37299 - Two storey extension at side at 146 Nuttall Lane, Ramsbottom. Approved with conditions - 26 January 2001.

61234 - Two storey extension at side/rear at 142 Nuttall Lane, Ramsbottom. Approved with conditions - 5 April 2017.

Publicity

The neighbouring properties were notified by means of a letter on 5 January 2024. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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 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 extension would be set back by 1.2 metres and there would a 0.4 metre gap

to the adjacent dwelling (No. 140), which equates to the 1.5 metres required. In addition, No. 140 has already extended at two storeys and as such, it is unlikely that this property would extend to close the 0.4 metre gap. Therefore, the proposed development would not lead to the uncharacteristic linking up of dwellings.

The proposed front extension would include a porch and study and would not be disproportionate in terms of size and scale. There are several properties in the immediate vicinity with a similar front extension and as such, the proposed development would not be a prominent feature in the streetscene.

The proposed extension would have a pitched roof, which would replicate the shape and style of the existing and neighbouring properties. The proposed set back, and lower ridge height gives the impression of subservience. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate.

Therefore, the proposed development would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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

- The proposed extension would not project beyond the existing extension on No. 142 Nuttall Lane at the front and the rear. As such, the proposed extension would be acceptable.
- There would be 10.2 metres from the proposed extension to the rear boundary, which would be in excess of the 7 metre aspect standard.
- There would be over 20 metres between the proposed first floor window and the properties opposite on Nuttall Lane, which would be acceptable.
- The proposed front extension would not impact on the 45 degree line when drawn from the front window of No. 146 Nuttall Lane.
- There are no windows on the gable elevation of the proposed extension.
- There is 1 window at ground floor and 1 window at first floor in the gable elevation of No. 142 Nuttall Lane, but these relate to an en-suite and a utility. As such, these are not habitable rooms and there would not be a significant loss of privacy.
- The proposed development would increase the number of bedrooms to 4. The proposed site plan indicates that 3 spaces would be provided, which would comply with the maximum parking standards.

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.

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- 2 This decision relates to drawings numbered Location plan, P01, P02, P04, P03, P05, P06 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	16/02/2024	DM	16/02/24