

DELEGATED REPORT

Report by Amanda

Date of report: 26/10/2022

Ref:68519/FUL

Uhunmwagho

Registration: 31/05/2022

LDfC: 15/07/2022

Expiry Date: 26/07/2022

Site Visit: 21/07/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side/rear extension and loft conversion with rear dormer

Location: 90 Ferngrove, Bury, BL9 6JX

Description

The application relates to an ex-local authority owned dwelling fronting on to Ferngrove. It is close to the junction with Chaffinch Drive to the north. Directly opposite the front of site is the M66 motorway.

The proposal is to build a two storey side and rear extension along with a loft conversion and rear dormer. The extension would measure 4m wide x 7.41m long and it would have a hipped roof. The whole of the extension would be set back from the main front elevation by 1m. There would also be a flat dormer to the rear providing a further bedroom and bathroom in the roof space along with a storage room.

Although not part of the proposal the revised proposed plans also show that the applicant intends to fence off the existing car parking space to the front of the dwelling which currently needs to be accessed illegally over a kerb close to the junction with Chaffinch Drive and create a new space to the south east side of the site.

Relevant Planning History

01501/E - Proposed two storey building for two flats - Enquiry completed 07/05/2014

Publicity

Neighbours notified on 24/06/2022 - No comments or objections received.

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 extension and dormer would be built with materials and a design that would be considered to be in keeping with the existing building as well as surrounding properties. As such there would be no significant detrimental impact on the character of the existing street scene.

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 are no residential properties to the front of the site.
- There are no residential properties within 20m of the rear of the dwelling on site.
- The new first floor bedroom window to the rear elevation would be just within 7m of the shared boundary with no.88 Ferngrove to the south but as any views from this window would be directed towards the end of the neighbouring garden and not towards the property itself the lesser distance to the shared boundary would be acceptable in this instance.
- As the extension would be to the south elevation there would be no detrimental impact on residential amenity at the property, attached to the north side.
- Any views from the proposed dormer would be over the applicants own rear garden and not directly towards neighbouring properties. It is also taken in to account that they could erect a rear dormer to the rear of the property under permitted development rules.
- There would be no windows in the south side elevation facing no.88 Ferngrove. As such there would be no concerns regards overlooking of this property.
- No.88 has three first floor windows in the side elevation facing the site and the application property is built at an angle to this property. Two windows to the side of no.88 are obscurely glazed but one towards the front is a clear glazed bedroom window. This is the only window to this room. The agent provided plans noting that the distance from the side elevation of the extension to the side of no.88 would be 8.33m at the front and just 4.37m to the rear. Taking in to account that the application property is built at an angle to no.88 and SPD 6 requires just 6.5m from a first floor habitable room window to a blank two storey side elevation the separation distance between the two properties would be acceptable in this instance. It is also noted that the properties along this section of Ferngrove all appear to have a side bedroom window (first floor) facing the side elevation of the adjacent dwelling. With this in mind and that the site is due north of this property there would not be any seriously detrimental effect on residential amenity at no.88 next door.

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 proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces.

The site as existing has an area at the front for parking a vehicle but this space needs to be accessed illegally over a kerb at the junction of Ferngrove and Chaffinch Drive. As such the agent has shown on the site plan that the existing drive space is to be fenced off and a new drive created to the south side of the site. This part of the development is not part of the proposal and the applicant should be aware they would need to apply to the Highways team to drop the kerb. An informative would be added to the decision advising them of this.

In terms of parking on site the new drive way would create one space within the site, which is what is available currently. There is ample on street parking available and the area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were

incorporated into the scheme and/or have been secured by planning condition. 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 drawing numbered SHT 1 of 3 received on 01/06/2022, drawing numbered SHT 2B of 2 received on 21/09/2022 and drawings numbered SHT 2 of 3 Rev B, SHT 2A of 2 Rev B and SHT 3 of 3 rev B received on 19/10/2022 as modified by the emails from I.Planning services. The development shall not be carried out except in accordance with the details 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 26/10/2022			