

DELEGATED REPORT

Report by Amanda

Date of report: 26/01/2024

Ref:70255/FUL

Uhunmwagho

Registration: 20/11/2023

LDfC: 12/12/2023

Expiry Date: 15/01/2024

Site Visit: 28/11/2023

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: Single storey rear extension

Location: 7 Palmerston Close, Ramsbottom, Bury, BL0 9YN

Description

The application relates to a two storey detached property which has a conservatory and a small single storey extension to the rear, and there is a lean to timber shed to the east side elevation. As the front of the site is completely paved there is existing on site parking for upto 3 vehicles. To the rear there is a small paved area and decked patio and garden area along with a small pond. There are fences to all boundaries with some planting to both sides of each boundary.

The proposal is to remove the existing conservatory and build a flat roof, single storey extension across the whole rear elevation. The extension would house a swimming pool, shower room and wc. It would project 5350mm, measure 10,090mm wide and 2815mm high. The roof would be flat with two rooflights and to the rear there would be bi-folding patio doors and a single glazed door.

Relevant Planning History

N/A

Publicity

3 neighbours were notified on 20/11/2023 - No comments or objections have been received.

Statutory/Non-Statutory Consultations

Borough Engineer - Drainage Section - No objection received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

EN7/2 Noise Pollution

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.

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.

As the extension would be to the rear of the property it would only be visible from the rear of properties which share the rear boundaries. It would be built with a design and finished materials which would be a common feature on this style of residential property. As such the design of the proposal is considered acceptable in this location.

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 -

- The extension would project 5350mm and it would have a maximum height of 2815mm. As such there it could be possible to build it as Permitted Development under the Larger Homes Scheme, given that neighbours have not objected to the proposal.
- There would be no windows to either side elevation meaning that privacy levels between the new extension and adjacent neighbours would be retained.
- There would be around 1313mm from the west side elevation to the shared boundary with no.9 Palmerston Close to the west and around 2257mm to the east boundary with no.5. These distances mean there would be no concerns regards encroachment with these particular neighbours.
- There would be around 6444mm from the central point of the rear elevation to the rear boundary. The existing boundary fence and planting would screen much of the views to and from the extension. As such there would not be any significant detrimental impact on privacy levels at properties to the rear.
- There would be ample amenity space remaining around the extension to the rear of the site.
- As the extension would have a fairly low flat roof there would be no significant detrimental impact on the path of daylight to any of the immediately adjacent properties/gardens.

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.

Pool Plant -

The agent has confirmed via email, and on the revised drawings that the plant for the swimming pool would be housed in either block or timber frame with acoustic insulation which would ensure the noise output level would be below 42 decibels. This would be acceptable in terms of Environmental Health requirements.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front 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 6972-E01, 6972-L01 and 6072-S01

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received on 20/11/2023, drawing numbered 6972-S02A received on 18/01/2024 and drawing numbered 6972-P01D received on 24/01/2024 as modified by the emails from Sunderland Peacock and Associates dated 18/01/2024 and 24/01/2024. 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 be finished with off-white colour render to the walls and a EPDM rubber flat roof as stated on the application form.

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 The pool plant filtration system enclosure shall be erected, be in place and available to use whilst the plant for the pool filtration system remains on site. The system and plant shall be maintained and run in accordance with the manufacturers specifications whilst it remains on the site.

Reason - To ensure that measures proposed to protect residential amenity are provided and maintained pursuant to H2/6 Extensions and Alterations and EN7/2 - Noise Pollution of the Bury UDP.

<u>Case Officer</u> AU 26/1/24	<u>Date</u>	<u>Sign off Officer</u> DM 26/1/24	<u>Date</u>
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