

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 11/08/2022

Ref:68215/FUL

Registration: 04/04/2022

LDfC: 18/05/2022

Expiry Date: 30/05/2022

Site Visit: 05/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of existing side garage; Part single/Part two storey side extension with gable roof.

Location: 49 Grantham Drive, Bury, BL8 1XW

Description

The application relates to a two-storey semi-detached house (with front/rear facing gable ends) on a residential street of generally similar properties. The property has an existing side garage and carport. At the rear there is an existing summer house and pergola within the SW corner of the rear garden. The rear boundary has a number of small but fairly shrubby plus one tree, while the front has off-road space for 3 cars/ small vans.

The attached neighbour has a single storey side extension and the neighbour on the other side is opposite a public footpath (not a public right of way). The existing gap between the two gable ends is between 7.57m/ 9.39m (at a slight angle), and the footpath is 1.8m wide, with no existing dominant structures on either side. The footpath provides access between Grantham Drive and Hackford Close plus an area of open grassland slightly to the rear.

Planning permission is sought for a two-storey extension that would project out 5.11m at the side and slightly further at ground floor to just short of the footpath boundary and have a gable roof at front/rear with a roof infill continuation between this gable and the matching but slightly larger front gable on the main house. Materials would match existing. The ground floor section would accommodate a large double garage (although the garage door itself would be narrower than normally required for width of two cars) plus bin storage area. At the first floor there would be a new main bedroom plus ensuite and dresser room (the latter having windows overlooking the rear garden). There would be a separation of 13m to the rear boundary, although there is no new boundary treatment proposed.

It should be noted that the applicant has submitted separate design revisions including on 23/06/2022 which included a side gable roof alongside the adjacent public footpath plus setting in the first floor slightly from the side, again on 22/07/2022 showing a double gable at front/rear but no roof infill and the latest plans were submitted on 11/08/2022.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 26/04/2022 sent to 8 (eight) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
H2/2	The Layout of New Residential Development
SPD16	Design and Layout of New Development in Bury
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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.

Crime & safety

Department of the Environment Circular 5/94 "Planning Out Crime" highlights the governments priority of designing out crime, with emphasis on design principles of defensible territory and the need to keep areas open to view including minor roads and footpaths.

UDP Policy EN1/5 - Crime Prevention highlights that good design should create opportunities for natural surveillance, and emphasises the location of footpaths and access points, and design of landscaping. It highlights the need to reduce opportunities for crime through management, design or changes in the environment. The design and layout of new proposals can make crime more difficult to commit and/or increase the risk of detection for potential offenders. Measures can include improving the security and siting of open spaces so that they are visible from surrounding buildings, including good design of walls, footpaths and landscaping set out so that blind spots are avoided. This is further supported in SPG3 - Planning out crime in new development.

The previous revised plans for the proposed development showed a projection to the side with a large gable wall just short of the public footpath. It was considered that if the neighbour on the other side was also allowed to extend to the equivalent extent on their side of the boundary this would have created a very strong tunnel effect which would seriously harm the feeling of pedestrian safety in a tight space with no natural surveillance. As such it is considered that the original development proposal would have been seriously detrimental to crime safety and the feeling of safety.

The agent contended that there is a precedent based on a similar house extension nearby at 71 Trimmington Avenue. However, no evidence of this application was found on the council's system which therefore appears to be an unauthorized development and potential enforcement case. Furthermore, bad design elsewhere is not a justification for more bad design.

The agent also contended that the construction of the two-storey extension alongside the footpath would only be a problem if the adjacent neighbour on the other side did the same thing. However, if this application was approved and a future application by the adjacent neighbour refused then that would be unfair.

The agent also contended that the adjacent footpath is on a higher level than the applicants garden. However, the submitted plan shows the difference in path height would only be 0.60m alongside the main gable pitch height of 6.57m. As such the height of the path would make little difference to reducing the tunnel effect as discussed above.

The latest revised plans (submitted on 11/08/2022) have replaced a proposed side gable roof with a front/rear gable roof. This is considered to sufficiently mitigate against crime safety concerns while also creating an acceptable solution with regards visual amenity as discussed below.

Visual amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design, and appearance the proposed extension would be generally in-keeping with the existing house. Situated entirely at the side, the proposed extension would be readily visible from the public arena at both the main street, the side footpath, and the public space to the rear.

The proposed development would effectively increase by almost double, the width of the two-storey section from 6.46m to 11.57m. Whilst this would increase massing significantly it would be broadly similar to other dwellings on the same street and therefore would not be an issue in terms of the impact of the house within the plot. The original proposed extension as viewed from the footpath at the side would have appeared as over-dominant in relation to users of the footpath, although the applicant has successfully mitigated this impact by moving the gable from the side to front. The new amended design (submitted on 11/08/2022) effectively shows a double gable at front and rear with a roof infill in between the gables to create consistency, and is therefore considered to show an acceptable overall design that achieves a harmonious visual design within this streetscene.

Materials would match existing. The existing tree and shrub planting along the rear boundary would partially reduce the impact on the residents to the rear.

In this respect to the relationship with the footpath the proposed extension and the visual design of the dwelling now complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there are no new first floor habitable windows proposed.
- The proposed extension is acceptable in relation to the attached neighbour as the proposed extension would not project past the front and rear elevations and as such, the proposed extension would not have an adverse impact upon the amenity of either neighbour.
- There are no new side windows proposed.
- There would remain an acceptable amount of private outdoor amenity space.
- In terms of the general prominence and impact on daylight the proposed extension is set off the side footpath boundary and is to the north of No.47. The proposed extension would mainly have an impact on the applicant's own garden, and any overshadowing would not be seriously excessive above and beyond the existing situation.
- The plans indicate that all of the development would be built within the site boundaries and Certificate A has been signed. As such there should be no encroachment on to either of the adjacent neighbours' land.

The proposed extension would be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed other than an enlarged garage. 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, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. Existing on-site parking provides 3 car spaces (plus garage), and there is additional parking available on street. Given the situation and the fact there are no changes to parking layout other than an enlarged garage (although not a true double garage as the garage door is of inadequate width to move two vehicles), it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

It is considered that the proposed development would be acceptable in terms of the siting, size and design. Users of the adjacent public footpath would be able to feel safe and the development proposal has been improved with this regard while achieving an acceptable overall design within this streetscene. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/1 - Visual Amenity, and EN1/2 - Townscape and Built Design, and UDP Policy H2/3 with associated guidance in SPD6, and EN1/5 - Crime Prevention with associated guidance in SPG3 - Planning out crime in new development.

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 2248_WHI_01_RevF as submitted on 11/08/2022 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 Before the first occupation of the extension hereby permitted the first floor windows at the rear elevation (bathroom/ toilet) shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3

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- 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>
SGR	11/08/2022		