

DELEGATED REPORT

Report by Amanda

Date of report: 18/05/2022

Ref:68144/FUL

Uhunmwagho

Registration: 28/02/2022

LDfC: 21/04/2022

Expiry Date: 12/05/2022

Site Visit: 29/03/2022

Site Notice: N/A

Press Date: N/A

Objections: 4

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single Storey Rear Extension; Single Storey Extension At Side and First Floor Extension At Side.

Location: 12 Greenway Close, Bury, BL8 1PE

Description

The application relates to a two storey detached house with a garage attached to the side. There is a large open plan style front garden with a drive way which could accommodate two to three vehicles. There is a private garden to the rear with fences to all boundaries. There is an existing conservatory on the rear elevation.

To the north side of the site numbers 6, 8 and 10 face on to the side of the site and there is a shared access along the side of the site for these three properties. Directly adjacent to the north side boundary there are two garages which belong to properties to the north side.

The proposal is to build a single storey rear extension, single storey side extension and first floor side extension. The single storey rear extension would be project 2.92m from the original rear elevation and it would measure 3.15m wide. The extension would have a flat parapet roof.

The single storey side extension would be to the north side of the dwelling. It would project 2.47m from the existing side elevation and it would measure 8.12m long. The extension would extend forward of the existing front elevation by approximately 447mm. The roof would be hipped.

The first floor side extension would be built to the front of an existing first section. It would project 4.86m forward and would have a small bay window to mirror the existing one on the opposite side of the front elevation. It would measure 3.3m wide and the roof would be pitched.

Relevant Planning History

N/A

Publicity

Neighbours notified on 17/03/2022 and then a further two neighbours notified on 30/03/2022 - Four objections received. The objections are summarised below;

- The extension would be dominant and out of character with other dwellings on Greenway Close.
- Properties have long front gardens giving an open feeling to the close.
- Properties are equally proportioned so not to dominate one another and the two larger properties on the close are set back from the others.
- The deeds for homes on Greenway Close prevent the erection of fences and hedges long the front boundaries and exclude the parking of large vans and commercial

vehicles.

- The proposed extensions would significantly alter the appearance of the existing street scene and would dominate the surrounding properties negatively. In particular no.10 Greenway Close situated in a corner position would be swamped by the development.
- The extended property would be overbearing.
- The extensions would take away the open feel of the close.
- The single storey side extension may cause problems for residents at numbers 6, 8, 10 and 12 Greenway Close in terms of access for moving bins to the front of the house.
- The side extension would encroach towards numbers 6, 8 and 10 removing the open feel of the area.
- The land owner also needs to be notified of the proposal.
- The development would lead to the destruction of the existing hedge to the side of the site and it is unclear which trees would be removed. This would be detrimental in terms of the impact on wildlife, including birds that frequent the hedge.
- the removal of the existing hedge would be at odds with Bury Council's Climate Action Plan 2021 - Natural Environment.
- The removal of the hedge is contrary to nature conservation and the need to protect vegetation with the threat of global warming (no matter how small). It has been in situ for 34 years. Also two crab apple trees on site would be affected by the development.
- The overbearing extension including the significant amount of brickwork and loss of greenery would be detrimental to visual amenity.
- The proposed side extension would protrude in front of the building line.
- The single storey side extension should be built flush to the front of the existing building and not project forward of the front of the property.
- The extension would reduce daylight to their property as well as the outlook from inside their property.
- The close is too small to accommodate construction vehicles and congestion would be a risk to other vehicles and children.
- The additional first floor bedroom window to the front would reduce privacy levels at their property.
- As a hybrid worker (working from home) the noise pollution and dust would be detrimental to their own work throughout the construction period.
- Increased traffic during the build could cause possible access issues to the close and their drive.
- They do not wish to see the existing hedge or any trees on site removed.
- They state there has been mention of erecting a fence to the side boundary but they feel that this would be difficult to achieve and remain within their boundary.
- Their shared drive way to the side of the site is compact and the addition of the extensions would result in a bulky building closer to their property.
- There is an issue with security lighting on the application dwelling which would be a nuisance and intrusive on the extension closer to their boundaries.
- The proposed ground floor window to the side elevation would result in overlooking and loss of privacy.
- The new first floor window would be a threat to their privacy.

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 side single and first floor extensions would be built with materials and design that would be considered in-keeping with the existing property and with other properties along Greenway Close. The proposed bay window to the first floor would mirror the existing first floor bay window on the opposite side of the front elevation.

The single storey rear extension would have a flat parapet roof but it would be built with materials and a design that would be considered acceptable in this instance and as it would be built on the rear of the dwelling it would not be visible in the public realm.

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 -

- Properties to the front of the site would be over 30m from the front of the extended property. With this in mind there would not be any significant detrimental effect on residential amenity at these properties in terms of SPD 6.
- Directly to the rear of the site is the All Saint's sports field.
- The single storey rear extension would be built over the same footprint as the existing conservatory and there would be no windows to the south side elevation adjacent to 14 Greenway Close. As such there would be no significant detrimental effect on residential amenity at this property.
- The single storey rear extension would be a sufficient distance from the north boundary so it would not have any significant detrimental impact on residential amenity at properties to the north.
- SPD 6 states that there should be at least 13m from a two storey side elevation to ground floor habitable room windows in a neighbouring property. The proposed first floor extension would be built directly above the existing garage and the new side elevation would be around 14m to the front elevation of no.6 Greenway Close, at least 15m to the front elevation of no.8 and around 18m to the front of no.10. These separation distances would be acceptable in terms of SPD 6 and as such it would be considered that there would be no significant detrimental effect on residential amenity at these particular properties.
- SPD 6 states that there should be at least 7m from a first floor habitable room to a boundary in order to retain privacy levels between properties. The new first floor bedroom window to the front elevation would be approximately 6.4m from the front boundary. However, as the window would overlook the highway and properties directly to the front would remain over 30m from the front of the property the lesser distance to the front boundary would be acceptable in this instance.
- It could be possible to build a single storey side extension on the existing property under Permitted Development rules. The proposed single storey extension would project forward of the main front elevation and as such needs to be assessed in terms of SPD 6. The revised proposed site plan shows that there would be approximately 12.7m to the front of no.8 Greenway Close and around 16m to the front of no.10. There would be around 12m to the front of no.6 but it is noted that this property does not directly face on to the area where the proposed extensions would be built. Given that SPD 6 only requires 6.5m from a blank single storey elevation to a habitable room window with a neighbouring property these separation distances would be more than sufficient and would not have any significant detrimental effect on residential amenity to properties north of the site.
- There would be one ground floor window to the north side elevation of the single storey extension. Taking in to account that this window would be obscurely glazed and the aspect standard distances are acceptable there would be no significant detrimental effect on residential amenity due to the position of this particular window. A condition would be added to the decision advising that this window would need to retain the obscure glazing at all times.
- There would be over 9m from the rear elevation of the single storey side extension to the rear boundary. This would be acceptable in terms of SPD 6.
- The revised proposed site plan received on 13/05/2022 shows that the north side elevation would be 1.5m from the side boundary and around 750mm towards the front. With this in mind there would be no encroachment on to land to the north of the site and access to the rear of the site would be maintained on the north side.
- The existing access path to rear garden on the southern side of the property would also

be retained.

- The proposed site plan shows that part of the existing hedge to the side of the property would be removed. As the hedge is not subject to a protection order the applicant would be able to remove the hedge without the need for prior permission. Removal of the hedge would not have any significant detrimental effect on residential amenity in this area.
- A crab apple tree to the side of the dwelling would also be removed. As the tree is not subject to a TPO it could be removed at any time without the need for prior permission

Taking the above in to account 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.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 and the existing garage on the property is to be converted in to living accommodation. As such the parking spaces as set out in SPD 11 Parking Standards need to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site has an existing area at the front for parking for at least 2 vehicles and possibly a third if required. This would remain following the extensions being built. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

Most of the objections have been addressed in the report above. During any building works it is expected that there would be building vehicles on and nearby the site as well as building materials being stored etc. If any issues arise due to vehicles, materials, noise/dust pollution etc would need to be addressed at the time by the relevant department, which in this case would most likely be the Traffic management team and/or Environmental Health. Although this is a genuine concern it would not have any bearing on the Planning application.

If the application property is subject to any covenant regards building, erection of fences and/or walls the applicant would need to contact the relevant person to discuss. This would not be considered a planning concern in terms of the assessment of the application.

Concerns about security lighting on the application property was also noted. The current planning application does not include any proposed security lighting. However, this may be something the applicants could install without the need for planning permission.

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 drawings numbered ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03, ZT22-196-05, ZT22-196-07 and ZT22-196-08 received on 28/02/222 and revised drawings numbered ZT22-196-04 and ZT22-196-06 received on 13/05/2022 as modified by the email from Thorp Design Services dated 13/05/2022. 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.

- 4 Before the first occupation of the extension hereby permitted the ground floor window on the north side elevation 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 - 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 - 18/05/2022			