

DELEGATED REPORT

Report by Jane Langan	Date of report: 20/05/2022	Ref: 68240/FUL
Registration: 22/03/2022	LDfC: 28/04/2022	Expiry Date: 17/05/2022
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: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side/rear and single storey extension at rear; Front porch; Rebuild wall to rear and addition of sliding gates

Location: 98 Wellington Road, Bury, BL9 9BQ

Description

The property is a bay fronted semi detached house located on a corner plot at the junction with Market Street. It has a hipped main roof and to the rear has been extended single storey. A low brick wall runs along the frontage and there is a front garden and pedestrian access to the entrance. To the side the low wall extends round and has hedges to the rear of it screening the side garden. The wall increases in height along the side and rear where it screens the rear garden and there is also planting above the wall level. To the rear is a detached garage and gates which abut the footpath and both are accessed off the back street Back Wellington Road South.

The adjoining neighbour is No.96 and has been extended with a hip to gable roof and rear dormer. The rear elevation is extended two/single storey. It is single storey where adjacent the shared boundary.

To the rear across the back street is 220 Market Street, a semi detached house which sits side on. It has been extended two storey at the side and the side elevation has one obscure window at first floor.

The application is a resubmission of 62879 approved 27/07/18. As the works have not commenced the approval has now expired. The application proposes the same scheme comprising of a two storey extension at the side coming out 2.9m and running along for 10.5m of which 2.9m would project beyond the rear elevation and wrap around to be two storey at the rear for 6.2m across. At this point it would reduce to single storey for the remaining width up to the boundary. The extension would form an additional lounge, a wc and utility and extended kitchen and dining room at ground floor. At first floor would be a bathroom and an additional and extended bedroom. To the front a central porch would be added 1m deep and 2.1m wide. To the rear the garage would be removed and 3 parking spaces provided with sliding gates across and the rear wall adjoining rebuilt in brick 2m high.

Relevant Planning History

62405 - Front porch and two storey extension at side; Part single storey / part two storey extension at rear; Detached garage - Refused 22/03/2018

62879 - Two storey extension at side/rear and single storey extension at rear; Front porch; Rebuild wall to rear and addition of sliding gates - AC 27/07/2018

Publicity

Surrounding neighbours were notified by letter. No responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition for the parking/gate/wall arrangements and any remedial works.

Pre-start Conditions - Not relevant.

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. 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 and design - The criteria set out within SPD6 for two storey extensions on corner plots is that they should not cover more than half the available width or leave a minimum 2m gap between the extension and the public footpath in order that they do not have a harmful impact on the street scene. Lesser gaps can be considered where sites are well screened or where the prevailing pattern of development in the locality is typified by relatively shallow frontages.

The proposal would see a gap of 2m from the side of the extension to the boundary at the front and increasing to 2.7m at the rear. The side wall and hedge are noted to be retained. The view along Wellington Road sees properties in close proximity to one another and the 2m to the side at the front is considered sufficient. To the rear there would be a 2.7m gap to the side and as such the proposal would not appear overbearing as viewed on the approach along Market Street. The retention of the side wall and hedges would improve the appearance in the street however they could be removed should the homeowner wish to. In terms of the street scene then the proposal is considered acceptable.

In design terms the proposal would see the front bay replicated and a hipped roof extending from the main ridge and also forming a hip roof to the rear with the single a monopitch. The porch would not project excessively at the front. The application notes materials for the extensions to be brick and tile. As this is a vague description a condition is added for matching materials. In conclusion the design of the extension would be in keeping with the existing house.

The rear wall would be built in brick and at 2m high with sliding gates would be acceptable and similar to the height of the wall as existing. A condition is added for the brick to match the existing wall.

Parking - The proposal would increase the number of bedrooms from 3 to 5 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 plan indicates 3 parking spaces to the rear yard with a length of 6.5m from the extension to the rear boundary which would be adequate and off street parking would be provided whilst retaining some outside amenity space.

Residential amenity - The adjoining No.96 is extended along the boundary single storey and the single storey of the proposal would not project deeper. Where two storey the proposal would be set in from the shared boundary and would not encroach a 45 degree line taken 1m out along the shared boundary which would comply with SPD6. The gates/wall would be a similar height to the existing.

To the rear 220 Market Street is located across the back street and has one obscure window to the side elevation therefore there would be no issues regarding privacy.

There would then be no serious impact on the amenity of the adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 RAD/1746/181/Rev C 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 The brickwork for the rear wall hereby approved shall match that of the existing side wall to the site.
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.
- 5 The proposed access, car parking and boundary wall alterations indicated on approved plan reference RAD/1746/18/1 Revision C, incorporating the provision of a sliding gate, parking spaces a minimum of 5.0m in length clear of the operating area of the gate, wall foundations that do not encroach under the adjacent adopted highway and all associated highway remedial works that may be required as a result of the proposed development, shall be implemented to the satisfaction of the Local Planning Authority prior to the extension hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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>
JL	20/05/22		