

DELEGATED REPORT

Report by Amanda

Date of report: 11/04/2024

Ref:70508/FUL

Uhunmwagho

Registration: 13/02/2024

LDfC: 11/03/2024

Expiry Date: 09/04/2024

Site Visit: 04/03/2024

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 conservatory & rear extension; Single storey/two storey front & rear extensions; Front porch; Raised paved area to rear garden; Erection of front boundary wall with gates; Replace existing boundary fencing 2m high; Render to all elevations & boundary wall

Location: 8 Heapy Close, Bury, BL8 2HW

Description

The application relates to a two storey detached house with a balcony to the front elevation. There is an integrated garage at the property with a driveway and garden to the front. There is some planting to the front garden but the boundaries are open to the highway in front, as are other gardens along Heapy Close.

At the rear the house is slightly higher compared to the garden areas and a conservatory has previously been removed. There is also a small raised patio area with planting and fences to all boundaries.

The proposal is to demolish the existing conservatory and rear extension then build single/two storey front and rear extensions, front porch, Raised paved area to the rear garden, Erection of boundary wall and gates to the front, replace existing 2m high boundary fencing and render to all elevations and boundary wall.

At the front the two storey extension would project 1.2m forward of the existing front elevation and it would measure 11.8m wide, which is the same as the existing dwelling. The roof would be pitched and there would be a larger feature window to the first floor bedroom to the southern side. At ground floor there would be a pitched roof porch erected to the centre of the front elevation with bay windows to either side. The garage door would remain.

To the rear the single storey extension would project 4.5m from the original rear elevation and it would extend across the whole width of the existing dwelling. There would be two full length windows and bi-folding patio doors to the centre of the rear elevation with glazing above the doors. The roof would be pitched. To either side the roof would be mono-pitched with two rooflights.

The first floor to the rear would project 3m from the original rear elevation and the roof would be pitched. All the walls would be finished with white K-Rend and the new and existing windows and doors would be grey anthracite in colour.

At the front of the site the existing driveway would be extended to accommodate three vehicles. It would be constructed from permeable materials and the dropped kerb to the front would be widened to 4.5m. The applicant also intends to build a boundary wall to all

three boundaries at the front and a sliding gate for access. The wall would be rendered with white k-Rend and the infills between the pillars would be black powder coated horizontal railings. There would be a composite board sliding gate for access. The wall would be just over 1.17m at its highest point, with most of it being around or just under 1m from ground level.

The existing patio area to the rear would be extended across the rear of the property with a 950mm high glazed balustrade and steps leading down to the garden area. The existing boundary fence to the rear/side would be replaced with new 2m high timber fencing.

Relevant Planning History

N/A

Publicity

8 neighbours notified on 19/02/2024 - No comments or objections.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to revised drawings received on 07/04/2024 and 08/04/2024
- Conditions and Informatives suggested.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
PFE	Places for Everyone

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.

Heapy Close consists of 11 two storey detached houses which all have similar designs and some have been extended. There are some properties with partial render and one property opposite the site is rendered to the front and rear elevations. The proposed development would modernise the existing property, with render to all elevations and new windows and doors and it would be quite different to other properties along Heapy Close. However, it would not be so different that it would cause significant detrimental harm to the character of the existing streetscene.

At the front the single storey extension would be around 6.5m set back from the front boundary and the two storey section would be around 8.1m set back. As such it would not cause any significant harm to the character of the existing streetscene.

The extension to the rear would not be visible in the streetscene and would be built with a design and finished materials that would be considered acceptable in this location.

There would also be a patio extension across the rear of the dwelling. This would be similar to what is there already and the existing boundary fence to the side/rear would be replaced with a new 2m high timber fence. These changes would not have any significant detrimental effect on visual amenity in the area.

Most of the properties along Heapy Close have front boundaries which are open to the highway in front with some planting. No.6 and no.10 both have hedges along the front boundary and part of the boundary at no.10 has a wall/fencing. The proposed boundary wall with sliding gate to the front would certainly be a different feature in the existing streetscene and it would measure around 1.17m at its highest point, with the majority of the wall being 1m high or under. Although the wall would be a new feature in the existing streetscene it has been taken into consideration that the applicant could built a 1m high boundary wall upto 1m as Permitted Development and the additional 175mm to part of the front boundary would not have any more of an impact in terms of visual amenity than if it

were all 1m high. As such there would be no reason to refuse this part of the development. The design of the proposal is considered acceptable in this location.

The proposal to widen the driveway would also be similar to some other properties along Heapy Close.

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 and rear of the site would be a sufficient distance not to have any significant detrimental effect on residential amenity at those properties.
- There would be just over 7m from the rear elevation to the rear boundary which would be acceptable in terms of SPD 6.
- There would be no windows to either side elevation.
- The existing gap between both adjacent properties would be retained. As such there would be no concerns regards encroachment at numbers 6 or 10 Heapy Close.
- At the front the two storey extension would project 1.2m past the front elevations of the adjacent properties. There is a ground floor habitable room window to the front of no.10, close to the shared boundary but the 45° rule would be satisfied with regards to this window.
- The site does have a slightly higher ground level compared to no.6 next door but as the front extension would be adjacent to the garage and driveway at this property it is considered that the house extension would have no seriously detrimental effect on residential amenity at this property.
- The rear extension would not project past the rear elevation of no.10 and it would project less than 1m past the rear of no.6. These distances would be acceptable in terms of SPD 6.
- The new patio to the rear would be a similar height to what is there currently and it would be a sufficient distance from the rear boundary. As such it would not have any significant detrimental impact on privacy levels between the site and properties to the rear.
- The new 2m high boundary fence to the side and rear would be similar to what is there currently and could be erected as permitted development.
- The majority of the front boundary wall would be 1m or under with a maximum height at the front of 1.17m due to the way the land slopes. It is noted that the wall would be a maximum of 1m high adjacent to the boundaries with numbers 6 and 10 Heapy Close. As there is a hedge along the front boundary of no.10 and the driveway at this property is on the opposite side of the site the boundary wall would not have any detrimental impact on the driveway at this property.
- The boundary wall would be directly adjacent to the driveway entrance at no.6 to the south, but as the wall would be no more than 1m at the front corner it is considered that it would not hinder visibility for car users at no.6.
- The proposed extended dropped kerb to the front would not have any seriously detrimental impact in terms of on-street parking.
- The proposed drawings show that the new driveway would be constructed using permeable materials which would ensure there would be no significant detrimental impact in terms of surface water drainage onto the highway in front.

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 4 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 site as existing has

parking to the front for at least 2 vehicles and the development would see an increase to three spaces as the driveway would be extended across part of the existing garden area. The area has on street parking and there is public transport available. 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 drawings numbered 24/8-HC/01, 24/8-HC/02, 24/8-HC/03, 24/8-HC/04, 24/8-HC/05, 24/8-HC/06, 24/8-HC/07, 24/8-HC/08, 24/8-HC/09, 24/8-HC/10, 24/8-HC/12, 24/8-HC/13, 24/8-HC/14, 24/8-HC/15, 24/8-HC/16, 24/8-HC/17 and 24/8-HC/19 received on 13/02/2024, drawing numbered 24/8-HC/11 Rev B received on 07/04/2024 and drawing numbered 24/8_HC/18 Rev B received on 08/04/2024 as modified by the emails from Mr Robert Allen dated 07/04/2024 and 08/04/2024. 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;
 - Roof - Marley Edgemere interlocking concrete roof tiles to the new and existing roof areas.
 - Windows - Anthracite Grey UPVC window frames.
 - Doors - Anthracite Grey UPVC to front door and Anthracite Grey Powder coated aluminium double glazed frames to sliding/folding doors.
 - Walls - White K-Rend to all new and existing walls.
 - Boundary treatment - White rendered concrete boundary wall to the front of the site with metal infill panels and 2m closed boarded fence to the rear.
 - Vehicle access and hardstanding - Concrete permeable pavements to the front and decorative paving slabs to the proposed raised area to the rear of the dwelling.
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 revised access and boundary wall arrangements indicated on the approved

plans, incorporating the provision of a footway crossing extension in a position to be agreed on site with the Highway Authority, demarcation of the limits of the adopted highway with the retention/provision of edgings at the back of the footway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, electric sliding gate, boundary wall set back from and with foundations that do not encroach under the adjacent adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, shall be implemented prior to the extended driveway and extensions hereby approved being brought into use.

Reason -To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 11/04/2024		DM	12/04/2024