

DELEGATED REPORT

Report by Amanda

Date of report: 11/04/2024

Ref:70574/FUL

Uhunmwagho

Registration: 11/03/2024

LDFC: 04/04/2024

Expiry Date: 06/05/2024

Site Visit: 22/03/2024

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: Two storey side extension with render to front & rear elevations

Location: 35 Thornfield Road, Tottington, Bury, BL8 4BX

Description

The application relates to a two storey property with a detached garage to the rear. Most of the front of the site is paved for parking and there is a small area of stones and a small area of planting to the north corner. There is access to the garage at the side of the house with a canopy above the existing driveway to the side. At the rear there is a private garden which is much lower than the dwelling on site. There is a small raised patio with steps leading down to the garden below.

As Thornfield Road is on a hill no. 33 to the north east side is much lower compared to the property on site. This property has a single storey rear extension directly along the shared boundary with a bedroom window above. No.37 to the opposite side has a higher ground level compared to the site. This property has a two storey extension at the rear.

The proposal is to build a two storey side extension with render to the front and rear elevation. It would measure 2.15m wide x 8.57m long and the roof would be pitched. There would be no first floor set back at the front.

Relevant Planning History

N/A

Publicity

7 neighbours notified on 13/03/2024 - No objections or comments received.

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
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PpE Policies 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.

There a mixture of house styles along Thornfield Road and some have been previously extended. The proposed extension would be finished with a design and materials that would be considered to be in keeping with the existing building.

Normally a 1.5m first floor set back would be required where a property is being extended

to the side adjacent to another house. However, the two storey front elevation of no.37 next door is positioned around 1.8m forward of the front of the application property. As such even though there would be no first floor set back to the front of the proposed extension there would be no concerns regards future terracing with this property, even if the owners of that property chose to extend to the side. 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 -

- There would be around 15m from the rear elevation of the extension to the rear boundary which would be more than sufficient in terms of requirements set out in SPD 6 and as such there would be no significant detrimental effect on privacy levels at properties to the rear.
- The existing detached garage/store to the rear garden would remain.
- There would be no windows in the side elevation adjacent to the shared boundary with no.37 Thornfield Road next door.
- The agent has signed Certificate A to advise that all of the extension would not encroach the shared boundary with no.37 either below or above ground level.
- At the front there would be around 8.8m from the front elevation to the front boundary. This would be sufficient in terms of SPD 6.
- There would be ample room left to the front of the site to park at least two vehicles within the residential curtilage.
- The extension would be set back from the front elevation of no.37 by around 4.6m and to the rear it would project around 1m past the rear of no.37. As such there would not be any significant detrimental impact on residential amenity at this property.
- Properties to the front of the site, on the opposite side of Thornfield Road would be a sufficient distance from the front of the extension not to have any detrimental effect on residential amenity.
- As the extension would be built on the south west side of the original dwelling there would be no concerns regards residential amenity at no.33 to the opposite side.

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 3 to 4 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 an area at the front for parking at least two vehicles and this would remain following the side extension being built. There are no restrictions to parking on the highway in front and the area is high access in terms of public transport. 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 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 1 and 2 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 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.

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