

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/02/2024	Ref: 70374/FUL
Registration: 27/12/2023	LDfC: 30/01/2024	Expiry Date: 21/02/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two/single storey rear extension

Location: 162 Parkhills Road, Bury, BL9 9AW

Description

The application relates to a two-storey semi-detached house with a hipped roof on a residential road. The property has a drive to the side leading to a detached garage. There are gardens to the front and rear. The adjacent properties on either side are No.160 Parkhills Road (attached) and No.164 Parkhills Road which has been extended at the rear in the form of a two-storey side/rear extension and a single storey rear extension. Properties to the front and rear the site are over 20 metres away.

Planning permission is sought for a part single, part two-storey rear extension. The single storey element would project 4.5 metres to the rear while the two-storey element would project approximately 3.6 metres to the rear.

The proposal would facilitate a larger open plan kitchen/living area on the ground floor level. On the first floor, the proposal would accommodate additional bedroom. The development would utilise the use of matching materials and would have pitched roofs above both extensions.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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, 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.

Visual amenity

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

The proposed development would have a simple and unobtrusive design that would not detract from the character of the dwelling. The single storey extension to the rear would be considered suitably in design and modest in scale. The two-storey rear extension would not project beyond the proposed single storey rear extension and the rear elevation of the attached neighbouring property by more than 3.6m. Furthermore, the development would appear subservient to the main house.

Overall, in terms of scale, design and setting, along with the use of matching materials, the development would not overwhelm the existing dwelling or result in over development of the

associated amenity space. Therefore, the proposed extension would therefore comply with SPD 6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3

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 would be there would over 10 metres from the first-floor windows to the shared rear boundary. Moreover, the development would be further shaded by the existing high shrubs/ plants at the rear of the site. There would also be no proposed side windows on either of the first floor and ground floor.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The part single element would project 4.5 metres. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4.5 metres along the shared boundary would be acceptable.
- The proposed two storey rear extension would have no impact in terms of overlooking and privacy, as there are no proposed side windows facing the adjacent properties on either side. In terms of the general prominence and impact on daylight the proposed two storey element would have setbacks on either side of the shared side boundaries. Moreover, the development would not encroach the 45° rule when taken from the adjacent neighbouring properties. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

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

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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 sheet 1, sheet 2, sheet 3, sheet 4 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	19/02/2024		