

DELEGATED REPORT

Report by Jane Langan	Date of report: 13/01/2022	Ref: 67701/FUL
Registration: 25/10/2021	LDFC: 13/12/2021	Expiry Date: 20/12/2021
Site Visit: 23/11/2021	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 storey extension at front, side and rear with balcony at front/side: Increase in height of roof

Location: The Gatehouse, Woodhill Road, Bury, BL8 1BN

Description

The property is a two storey detached house located on a large plot. It has garden to the front/side and rear and the frontage has a brick boundary wall with hedges and a gated access. There are outbuildings to the front along the west side boundary and this boundary runs along the side garden to 89 Woodhill Road located to the side and the rear gardens to 109 -113 Canterbury Drive. To the rear and north east side of the site are fields which are within the Green Belt.

The application includes the removal of the rear conservatory and construction of a two storey extension to the south west side coming out 20.2m. It would then run along down the side for 17.2m. At this point it would then come out a further 2.6m at the side extending for a further 16.8m along and then for 14m across. A further two storey extension 6.6m deep and 9.2m across would project to the east side of the front elevation. To the front elevation a balcony would project out on pillars. It would be 4.8m at its deepest point and 10m at its widest. The roof would be replaced and increased in height by 0.6m.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 04/11/21. Further notification letters were sent 22/11/21 as the description was revised to include raising of the roof height. No responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN6	Conservation of the Natural Environment
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

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.

Principle

The proposal appears to go beyond what might be reasonably considered as an addition or alteration to the dwelling. The existing roof would be removed with the replacement 0.6m higher. Part of the front, rear and the whole of the west side elevation would be removed. The remaining elevations would all have new and altered window openings and with internal walls also removed. Whether a proposal extends beyond a mere addition or alteration to the original building or means that in substance there is a new building, is a question of fact and degree and is a question of planning judgment. No demolition statement and plan has been submitted to show how the proposal can be constructed, without significant demolition of the existing structure. Given the extent of the works proposed it is considered that an assessment of this kind of information is essential, to ensure that the correct type of application has been submitted. It is therefore considered that the proposal comprises of insufficient information in relation to demolition to allow for the application to be adequately

assessed as a householder application.

Visual amenity and design - Whilst it is unclear if the application type submitted is correct, as a householder application has been submitted it has been assessed against the relevant policy considerations. 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 proposal would see a significant increase in the footprint of the property however it is located on a large plot and the building would be set well back from the main road. The large plot would be able to accommodate the extensions whilst retaining sufficient outside amenity space.

The extended property would have hipped roofs and the increase in height would not be significantly above the existing level. Materials would be render to the walls and dark grey roof tiles. Whilst the design would be fairly basic it would be, whilst resulting in a large property, typically domestic in its appearance. As such it is not considered that the proposed scale and design of the proposal would have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 5 to 7 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 a large area at the front for parking that could accommodate this level of parking.

Residential amenity - SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed two storey extension to the west side elevation would run the full length of the side boundary and rear garden of 89 Woodhill Road. It would result in an unduly overbearing development severely affecting the outlook from the garden of this neighbouring property.

The section of the proposal that would run along the rear garden boundary of 113 Canterbury Drive would be set in and the site plan notes that there would be a separation distance of 13.1m from the rear of No.113 to the proposed extension wall which would have high level obscure glazed windows. Generally a 13m separation would meet with SPD6 Aspect Standards. These distances are set out in order to maintain adequate separation between existing properties and extensions and avoid overbearing relationships. In this instance however, due to the scale of the proposed development, as it would run the full length of the boundary to the rear of No.113 it is considered that the development would have an unacceptable impact on the outlook from the rear garden of this property and as such would be detrimental to residential amenity.

In conclusion it is considered that the proposal would impact on the residential amenity of the occupiers of 89 Woodhill Road and 113 Canterbury Drive to an unacceptable level and would therefore be contrary to UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Ecology - As the proposal includes significant demolition works, including the removal of the roof, then it is considered that a bat assessment is required to determine the impact on a protected species. No report has been submitted with the application therefore there is insufficient information to assess the application with regard to the impact upon protected species, in particular bats, which means that the proposals would be contrary to UDP Policy EN6 - Conservation of the Natural Environment.

Other Considerations

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The agent acting on behalf of the applicant has been advised that the LPA would not support the application, and has also been advised to withdraw the current application and to engage in pre-application advice so that the proposal can be moved forward. A statement from a Planning Consultant engaged by the applicant has been submitted late in the process (10/01/22). It considers the proposal to be well-sited and designed and avoids any infringements of the normal interface distances or of neighbour amenity.

The statement also quotes SPD6 Section 10.21 Ethnic Considerations. It notes that the applicants religious background culture is for generations of the family to live together which is a feature typical of their traditional culture. Whilst SPD6 supports the needs for special religious or family needs it should be where there is no harm to the main principles it outlines in SPD6 Section 2 and Policy H2/3. In this instance then it is not the case that there would be no harm to residential amenity. As addressed in the above report, the site occupies a large plot and there are numerous possibilities to extend or rebuild the property without a detrimental impact on the amenity of adjacent residential properties.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 89 Woodhill Road, by reason of its size and position of the proposed extension along the boundary. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The application and submitted plans contain insufficient information in relation to the extent of proposed demolition. No demolition plans or statement have been provided to explain the methodology to maintain the existing fabric of the dwelling to allow for the application to be adequately assessed as a householder application.
- 3 The application and submitted plans contain insufficient information regarding the impact of the proposed development on bats, which are a protected species under the 1981 Wildlife & Countryside Act (as amended) and The Conservation of Habitats and Species Regulations 2010.
The proposal is therefore contrary to Policy EN6 – Conservation of the Natural Environment of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	13/01/22	DM	17/01/22