

DELEGATED REPORT

Report by Amanda

Date of report: 21/09/2022

Ref:68335/FUL

Uhunmwagho

Registration: 13/04/2022

LDfC: 26/05/2022

Expiry Date: 08/06/2022

Site Visit: 21/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extensions at front / side; single storey / two storey extension at rear; dormer extension at rear together with loft conversion and 2 no. loft windows at front

Location: 34 Parkhills Road, Bury, BL9 9AT

Description

The application relates to a two storey semi-detached house fronting on to Parkhills Road with Horne Street to the west side of the site. There is no through road from Horne Street on to Parkhills Road. To the west of site, on the opposite side of Horne Street is Fishpool Community Centre with Bethesda Pentecostal Church to the north. The immediate area consists of mostly terraced properties.

The site is raised to the highway to the front and side of site with pedestrian access from Parkhills Road to the front and vehicular access to the rear accessed from Horne Street. There is also a detached garage to the rear of site.

The proposal is to build two storey extensions to the front and side of the main dwelling, a single/two storey extension at the rear, loft conversion with rear dormer and two rooflights to the front.

Relevant Planning History

01293/E - Two storey extensions to side & rear; Formation of new vehicular & pedestrian access onto Horne Street - Enquiry completed 07/12/2012

56171 - Two storey extensions to side & rear; Formation of new vehicular & pedestrian access onto Horne Street - Approve with Conditions 19/06/2013

60413 - Two storey extension at side and rear; Excavation of front garden to allow formation of new vehicular and pedestrian access onto Horne Street - Approve with Conditions 26/10/2016

Publicity

Neighbours notified on 05/05/2022 - one objection has been received. See below.

Although my husband and I have no objection to the improvement and modernisation of the property at 34 Parkhills Road, the proposed changes are excessive considering the footprint of the property. If the proposed alterations weren't on such a large scale, creating an eyesore, they would be more acceptable.

Another concern, is the impact on the availability of parking places, which is already a problem on Horne Street.

An additional concern is the noise and disturbance involved in the development.

Statutory/Non-Statutory Consultations

None

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.

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.

The proposed development would be very similar to a development previously approved at this property in 2016.

SPD 6 states that side extensions which would face on to a highway should be set back from the boundary by at least 2m. However, a lesser set back could be acceptable in some cases. In this instance the ground floor would be within 2m of the boundary and most of the first floor level would be built at least 2m from the boundary. Some of the first floor would be within 2m of the side boundary. However, given that most of the immediate area is made up of terraced properties which abut the adjacent highways the close proximity of the side extension to the boundary would not have any significant detrimental effect on the character of the existing streetscape. The design of the proposal would be similar to that already approved previously and is considered to be 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 -

- The extended property would be a sufficient distance to surrounding properties not to have any significant detrimental impact on residential amenity in the immediate area.
- The only first floor window to the side elevation would be a bathroom and therefore would be obscurely glazed. As this window would not face any residential properties it would not cause any harm in terms of loss of privacy.
- At the rear there would be around 15m from the rear elevation of the extension to the side elevation of no.55 Horne Street. As there are no habitable room windows in the side elevation of this property the separation distance of 15m would be acceptable in terms of SPD 6.
- At the rear the single storey extension would project 4.3m along the shared boundary with 36 Parkhills Road, attached. Taking the larger homes scheme in to account and that this neighbour has not objected this projection would be acceptable in this instance.
- The 45° rule would be satisfied with regards to the two storey rear extension and its impact on relevant windows to the rear of the attached property.
- There would be just over 9m from the two storey rear elevation to the rear boundary. This would be acceptable in terms of SPD 6.
- The proposed rear dormer would be built on the original roof of the building and as such could be erected under permitted development rules.
- The rooflights to the front would not have any detrimental impact on residential amenity in the local vicinity and they could also be installed under permitted development rules.
- The existing garage to the rear of the property would remain as it is with two parking spaces in front.

With the above in mind 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 residential amenity.

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 site as existing has a drive to the rear/side and a detached garage. With this in mind there would be at least three parking spaces within the site. The area has on street parking and there is public transport available. In this instance then the parking arrangements are

considered sufficient.

Response to neighbour objection -

The objector was concerned about the large scale alterations/extensions at the property and that it would create an eyesore in the area. They suggested that if the development wasn't on such a large scale it would be more acceptable. This issue was addressed with the submission of revised plans which is for a development that would be very similar to the previously approved application. As the revised plans addressed the design issues the neighbours were not consulted when revised plans were submitted.

Part of the objection was regards parking within the site. The site plan shown that the existing detached garage to the rear of the site would remain in situ and there would be two parking spaces in front. This would be acceptable in terms of SPD 6 and SPD 11.

Concerns regards noise and disturbance during building works are not a Planning consideration and any problems arising regards this would need to be addressed as a civil matter between the relevant parties involved.

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 SHT 1 of 5 and SHT 2 of 5 received on 13/04/2022 and revised drawings numbered SHT 3 of 5, SHT 4 of 5 and SHT 5 of 5 received on 11/09/2022 as modified by the email from I.Planning Services dated 11/09/2022. 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 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> AU - 21/09/2022	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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