

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/05/2023	Ref: 69541/FUL
Registration: 07/04/2023	LDFC: 15/05/2023	Expiry Date: 02/06/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension

Location: 10 Goodison Close, Bury, BL9 8JY

Description

The property is a two-storey 1970s detached house within a large plot off the head of a cul de sac. The property has a paved drive and a garden along with an integral garage to the front. There is a large garden to the rear.

Planning permission is sought for a two-storey side extension. The proposal would facilitate a storeroom with access from the rear on the ground floor and a walking wardrobe leading to an ensuite bathroom on the first floor. The extension would project 3.1 metres to the side and run for 5.4 metres to the rear. The development would have a pitched roof and utilise the use of matching materials.

Relevant Planning History

45647 - FIRST FLOOR EXTENSION AT SIDE; SINGLE STOREY EXTENSION AT REAR - Approve with Conditions 18/01/2006

46511 - FIRST FLOOR EXTENSION AT SIDE; SINGLE STOREY EXTENSION AT REAR (REVISED SCHEME) - Approve with Conditions 19/07/2006

Publicity

Neighbour letters sent on 19/04/2023. One objection received.

Comments

Concerns relates to a potential privacy issue in case the applicant choses to convert the proposed storeroom on the ground floor into habitable room with a window, and the impact this may cause as a result in the future.

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. 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

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.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance there would be a minimal setback of approximately 0.7 metres on the ground floor and no setback on the first floor. This would be below the guidelines set by SPD6. However, due the staggered building lines and level differences of properties in this street, it is considered that the proposal would not lead to the uncharacteristic terracing of dwellings.

The proposed extension would have a pitched roof replicating the shape and style of the original dwelling. This would be considered appropriate as the extension would appear

subservient to the existing structure. Furthermore, the proposed window on the first floor would be suitably aligned with the existing windows and the use of matching materials would be utilised.

Overall, 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 and SPD 6.

Residential Amenity

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

Due to the site's irregular shape, the proposed development would have a varied setback distances between 0.75 metres on the front end to 3.3 metres towards the rear from the shared boundary with No. 12 Goodison Close. This would be acceptable as the proposed extension would have a blank wall with no windows facing towards this adjacent property. Additionally, there would be over 30 metres to the properties in front and over 10 metres to the shared rear boundary.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. 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.

Parking

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

Comments to Objection

The concern relates to the probable impact of turning the proposed storeroom on the ground floor into habitable room with a window, and the impact this may cause as a result in the future.

The proposed plans highlight a storeroom without a front window and as such, there would be no significant impact on the privacy of the neighbouring properties. Therefore, this would be deemed as hypothetical and speculative. However in the event of any added window the outlook of the window would be to the street rather than obliquely to the neighbour's property at No12. As such, it is considered that there would be no reasonable requirement to specifically prevent any such window from ever being added by planning condition.

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 MCK_P102 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	30/05/2023	DM	31/05/23