

DELEGATED REPORT

Report by Jane Langan	Date of report: 26/08/2022	Ref: 68569/FUL
Registration: 20/06/2022	LDfC: 08/08/2022	Expiry Date: 15/08/2022
Site Visit: 01/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side/rear extension; Front porch

Location: 5 Hollins Brook Close, Bury, BL9 8PZ

Description

The property is a semi detached house located in a cul de sac on a residential estate. It has a garden and drive to the front and there is a gap to the side of the house leading round to a rear garden with decking. The rear of the site is extended with a conservatory. The adjoining neighbour is No.7 and slightly higher. Timber fencing screens the gardens. To the opposite side No.3 is set forward of the site and at a lower level.

The application includes a front porch 1.5m deep and 2.5m across. To the side a single storey extension would come out 1.7m set back 4.5m from the front elevation. It would run for 6.3m of which 3m would project past the rear elevation and then extend across the full width of the rear elevation. The extension would form a utility room with second lounge to the rear.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. Their concerns in summary are :-

- Site has decking and astro turf. Water from this property and silt, sand and grit comes into our garden and onto the patio. Site is higher. Proposed extension would increase the surface water flooding issue.
- Loss of light to garden and patio.
- Light loss will also mean surface water would take longer to dry out
- Will a new higher fence be fitted to block out the view of this extension from our patio and garden area or will the current fence remain in place?
- The area of our garden that number 5 have taken should be returned to us. This is the area on our deeds next to their front door, next to our garden gate.
- The utility window will overlook our garden.
- Extensions are out of character. No other property having a porch or a side extension. All past extensions have been to the rear due to the close proximity of the properties.
- Will the work be completed by professional contractors or will applicant complete the work himself
- How long will these works take and what times will the work be carried out.
- Work from home and excessive building noise will make this difficult particularly when on video meetings.
- I think you need to respond despite saying that you will not.
- The water run-off issue will be a potential subsidence and heave issue for our property. If planning is granted and this does occur in the future we will be pursuing a recovery from Bury Council for any costs incurred for underpinning and ancillary costs incurred.

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.

Visual amenity and design - The proposed porch would not project excessively from the front. It would have a hipped roof with glazing to the front and one side. The side extension would be set back from the main front elevation by 4.5m. It would have a pitched roof forming a side gable wall and to the rear a monopitch roof with rooflights. There would be a window to the front elevation, one to the side and bi fold doors to the rear. Materials for the extensions would be roof tiles and brickwork to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. Parking would remain as existing.

Residential amenity - In relation to the adjoining No.7 the single storey rear extension would be 3m deep and run as blank wall along the boundary. SPD6 deems 3m acceptable and which is generally permitted development.

No.3 to the opposite side is lower and set forward of the site almost its full length. In terms of the 45 degree line the taken from the closest (not necessarily principle) window to the rear of this neighbouring property then the existing site property would encroach the 45 degree line. The proposed side extension would run for a 6.3m length along the boundary with No.3 set in by 0.8m. The site is located to the south side therefore in terms of light there would be some impact for this length of development. With eaves height at 2.8m and a ridge to 3.7m the building would not be of any excessive height and it would be set in off the boundary. A material consideration is that single storey side extensions, including with a wrap around at the rear, can be constructed under permitted development. In conclusion, for the reasons stated, it is not considered that there are justified grounds for refusal with regard to loss of light and overshadowing to No.3. Whilst the proposed extension would be set in from the boundary as there is a difference in levels to No.3 a condition is added for the side utility room window to be obscure glazed.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour objection - The issues regarding design, loss of light and overlooking are addressed in the above report.

The objection notes that there are existing drainage problems between the site and neighbouring property. This would be a matter between the neighbouring properties. In terms of the extension applied for then the drainage of it is a constructional matter which would be dealt with under Building Regulations.

It would be the applicants decision if they remove or retain their own fencing as the proposed extension would set 0.8m in from the boundary.

Boundary disputes are not a planning matter.

Who carries out the work is the choice of the applicant.

Planning consent requires works to begin within 3 years. It does not impose a completion date.

Disturbance during construction is not a planning matter. Excessive noise would, where appropriate, be dealt with through the relevant environmental legislation.

The neighbour notification letter notes that comments will not be acknowledged however they are responded to within the officer report.

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 894-22-01 Revision A, 894-22-02 Revision A 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 Before the first occupation of the extension hereby permitted the utility room window to the north side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	26/08/22		