

DELEGATED REPORT

Report by Jane Langan	Date of report: 20/02/2023	Ref: 69227/FUL
Registration: 09/01/2023	LDfC: 11/02/2023	Expiry Date: 06/03/2023
Site Visit: 17/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side and two/single storey extension at rear with juliette balconies at rear and alterations to existing roof; External alterations to include changes to windows/doors; Render to external elevations and Raised steps from South West side elevation and rear.

Location: 16 Turton Close, Bury, BL8 2EE

Description

The property is a two storey detached house located in the top corner of a cul de sac. It has been previously extended two storey and first floor to the sides and single storey at the rear which leads on to a raised patio. Parking is to the front where the garden is fully surfaced and the property has an integral garage. To the rear is a fenced garden and planting along some of the boundary.

The neighbouring property to the east side is No.18, a two storey detached house. To the rear it has patio doors at ground floor closest to the boundary with the site and then is extended with a conservatory. To the opposite side No.14 is a bungalow at the top of the cul de sac and located to the north west to the site. It is extended single storey at the side. To the rear the site garden borders the rear gardens to 560 - 566 Bolton Road.

The application is a resubmission of refused application 68521. It comprises of the removal of the front porch. The section of the west corner of the front elevation that is set back would be infilled two storey and the roof hipped. All window openings to the front elevation would be replaced with 5 full height windows in black upvc and with obscure glazed sections between ground and first floor. One is noted as 'not a see through window'. New and existing walls to the property would be rendered white. To the rear the single storey would be removed and a two storey extension 4.3m deep would run the full width of the property. Patios with steps would lead out from the rear bi fold doors and a door to the west side elevation.

Relevant Planning History

42518 - Two storey/first floor extension at side; conservatory at rear - AC 30/06/04.
66449 - Conservatory at rear (base already built under p/p 42518) and new pitched roof to existing single storey rear extension - Approve with Conditions 17/03/2021
68521 - Two storey extension at side and two/single storey extension at rear with juliette balconies at side/rear and alterations to existing roof; External alterations to include changes to windows/doors and render to external elevations - Refused 14/10/2022.

Publicity

Surrounding neighbours were notified by letter and 3 responses (objections) have been received from nearby neighbours. Their concerns in summary are :-

- Plans are not significantly different than the previous refusal
- Proposal is out of character with the close. Design is inappropriate.

- Over-dominant and intrusive in the street scene.
- Overdevelopment.
- Loss of light and outlook to 18 Turton Close. Breaches 45 degree rule and 45 degree vertical not applied.
- Loss of privacy, light and overbearing to 14 Turton Close
- Steps and patios cause overlooking
- Insufficient parking. Restricted access and not appropriate for cars to be parked in the turning circle.
- Proposal considered a new build not an extension

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 - 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.

Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:
the existing built development, including layout, form, scale, appearance, details, and materials;

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The site property is located within a cul de sac however is readily visible to the public arena. It has been previously extended two storey to the west side and the proposal would see the property further extended and infilled up to the boundary with the adjacent No.14. The addition of this extension would see the property appear overbearing and cramped in its position on the cul de sac.

The proposed design and materials would see a significant change in the appearance of the property. The cul de sac is made up of detached houses and bungalows and which are mostly a mix of brick and render or cladding. The addition of full height windows to the front elevation, in black upvc, and the full use of white render to the elevations would result in a property that would appear out of character and intrusive in the street and seriously detrimental to the visual amenity of the area.

In this instance, at this particular location, it is considered that the proposal would result in an incongruous development and pays no mind to the original dwelling, finish or locality. Therefore the proposal would conflict with UDP Policy H2/3 and SPD6, paragraph 41 of the

National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the NPPF.

Parking - The proposal would increase the number of bedrooms from 4 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 proposal includes the removal of the porch and which would then allow further space. The proposed site plan indicates 2 parking spaces with a drive length of 7.2m which would be an adequate length. No drive materials for the extended area have been provided and which should be porous/permeable or natural drainage. This can be added as an informative for the required materials/drainage or a further application required. The area does have on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - With regard to the adjacent bungalow No.14. The site has already been extended to this side and is blank wall and set back. The proposed extension would now run up to and along the boundary with No.14, also introducing a full height lounge window close to the shared boundary. The window is noted on the plan to be 'not a see through window' to the top section. A condition could be attached for the whole window to be obscure glazed which would address any direct overlooking to No.14. It is however considered to be an over bearing addition to No.14. It is not considered that this infill to the corner of the site would cause loss of light to No.14 to any significant level above that from the existing site building. The proposed side elevation would have two ensuite windows at first floor which are noted to be obscure glazed and could be conditioned to be retained as such. There would be a door to the ground floor side which leads on to a raised area approximately 0.7m high and 1.4m deep for 1.7m across. This has not been included in the application description. It would be facing the boundary with No.14 and, whilst this property has some planting, the raised area at 0.7m high would leave the potential for overlooking to No.14 which they could not address with the addition of 2m high fencing. The proposed raised area is not necessary to provide access to the garden as it could be achieved with steps down without a useable space. As such the proposal would be detrimental to the residential amenity of this neighbouring property and contrary to UDP Policy H2/3 and SPD6.

In relation to No.18, located to the opposite side, the proposed site plan shows that the two storey extension would not breach the 45 degree rule with regard to the closest ground floor habitable room window to the rear of No.18. Whilst there would be some impact on No.18, the proposal satisfies the criteria set out in SPD6 for two storey rear extensions in order that proposals do not result in unacceptable loss of light or overshadowing. There are 2 windows proposed to the ground and 2 to the first floor of the proposed elevation to the side to No.18. In order to prevent loss of privacy they could be conditioned to be obscure glazed. The proposed patio to the rear of the extension would be of a similar height than that as existing at approximately 0.5m in height. It would be set approximately 5m in from the boundary to No.18 and as such it would not significantly change the situation as existing.

The proposed Juliette balconies to the first floor rear elevation would face down the site garden. There would be a distance in excess of 7m from the proposed first floor windows to the rear boundary of the site which would comply with SPD6 Aspect Standards.

Other considerations

The proposal would see a significant amount of change to the property. Whether the proposal extends beyond a mere addition or alteration to the original building or means that in substance there is a new building, is a matter of fact and degree and is a question of planning judgment. A demolition plan and statement has been provided which notes the retention of the front and side elevation walls and with steel structures to support the building. On balance it is not considered that the application should be refused or invalidated with regard to this matter. Should an application be approved and it later

requires that the property would need to be demolished then it would be necessary for a full application for a new dwelling to be submitted.

It should be noted that the applicant/agent have not entered into any pre application discussions following the refusal of 68521. The officer report is published on the website and sets out the issues and areas of concern. The amendments within this proposal, as noted in the above report, do not address all the reasons for refusal of the previous application.

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 design of the proposed extension is neither appropriate to, nor sympathetic with the existing building, and would be detrimental to the visual amenity of the area. 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 proposed extension would, by reason of its size, position, design and materials, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. 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
- 3 The proposed lounge window to the front elevation to the north west corner would, by reason of its proximity to the boundary, result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of 14 Turton Close. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 4 The proposed extension to the front elevation to the north west corner would be an overbearing addition and seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 14 Turton Close due to its proximity to the boundary. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 5 The proposed raised patio to the west side elevation would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of 14 Turton Close by reason of its height and proximity to the boundary. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6:

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Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	20/02/23		