

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/01/2023	Ref: 69087/FUL
Registration: 16/11/2022	LDFC: 04/01/2023	Expiry Date: 11/01/2023
Site Visit: 20/12/2022	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: Part single/Part two storey rear extension; Single storey front extension; External alterations; Garage conversion; Additional parking space with extension of dropped kerb at front

Location: 4 Larkfield Close, Tottington, Bury, BL8 4QJ

Description

The application relates to a two storey, red brick detached house on a residential road of similar styled properties. The property has a driveway to the front and has been extended to the rear in the form of a single storey conservatory, projecting out approx 2.8m. The house is set forward of the neighbour at No.2 Larkfield and is set back slightly from No.6 Larkfield which has a single storey rear extension on the rear - see site photos.

The single storey extension would project out a metre and run across the front to join the existing porch and bay that includes the garage door. The garage would be converted to a playroom with windows replacing the garage door.

At the rear the existing conservatory would be demolished and a single storey extension built that projects out 5.5m and runs across the width of the house (8.2m). The roof would be hipped. An extended kitchen diner and family room would be formed at ground floor.

The two storey element would extend out 2.7m on the west side of the rear elevation, adjacent to the boundary with No.6 Larkfield. It would run across 5.1m to leave a gap of 4m to the shared side boundary with No.2 Larkfield. The roof over the two storey extension would be pitched and carried over from the main roof. The first floor extension would facilitate a fourth bedroom and an extension to an existing bedroom. The extensions, along with the main house would be rendered in an off-white K-render. The proposal also includes a small widening of the existing drive - by 1.2m. This would be surfaced in porous material.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 06/12/2022. One representation from the neighbour at No.2 Larkfield Close.

Some concerns regarding the planned rear extensions to the property ; the two storey extension to the rear indicated may I feel have an impact on the amount of light entering my garden and higher patio area. This is due to the height and elevation of the section and the extent to which the new build section extends out into the garden area.

In addition the single storey extension shown on the drawing gives no indication of the roof height or the length of the extension from the existing wall of the house.

Therefore I have some concerns that this new single story part of the house at the rear could take away some of the daylight especially on the left side of my garden and patio

area and similarly would overlook that part of my garden.

Statutory/Non-Statutory Consultations

None.

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 - The extensions, in design terms, are considered to be in keeping with the existing house. Whilst the majority of the properties along the road are red brick, the surrounding estate is relatively modern and could accommodate some rendered properties without creating any incongruity within the wider streetscape. The proposal is acceptable and complies with UDP policy H2/3 and guidance in SPD6.

Residential Amenity - The property already has an existing two storey gable wall and a conservatory extending out adjacent to the shared side boundary with No.2 Larkfield which cuts across the 45 degree line from the nearest window on the rear extension of that property. Whilst the extension would project out a further 2.7m than the existing conservatory and be built in brick, the impact on the neighbour, both visually and in terms of daylight, would not be so significant as to warrant refusal of planning permission. The roof is hipped and the extension is set off the side boundary by about 1m. Likewise the two storey element is modest and set well back from the shared side boundary of No.2 Larkfield and is considered acceptable and complies with policy and guidance. The rear elevation is north facing and therefore the impact from the sun tracking across the site during the day would have little impact. There are no side windows in the extension and as such there is no overlooking.

Given the neighbour at No.6 sits deeper at the rear, beyond the rear elevation of No.4 and has a single storey extension, there would be no significant impact on the amenity of the neighbour. Two small side windows in the existing rear extension face the site and would be partly blocked. However no value is allocated to these windows as small secondary and face the side boundary to the site.

In terms of residential amenity, the proposal is acceptable and complies with UDP Policy and associated guidance.

Parking - With a driveway length of over 10m, there is sufficient space to park two cars clear of the highway. The proposal includes widening the existing driveway by approx 1.2m. It is noted that this could be done under permitted development. An informative would be attached to any approval relating to the need for separate permission from the highways authority to lower the kerb. In terms of parking the proposal is acceptable and complies with UDP Policy H2/3 and guidance.

Neighbour representation - The concerns of the neighbour at No.2 Larkfield have been addressed in the above report. Whilst the extension project out beyond the existing, the impact is not so significant as to warrant refusal.

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.

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- 2 This decision relates to drawings numbered 1 and 2 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	05/01/2023		