

DELEGATED REPORT

Report by Jane Langan	Date of report: 23/02/2023	Ref: 69263/FUL
Registration: 20/01/2023	LDfC: 16/02/2023	Expiry Date: 17/03/2023
Site Visit: 07/02/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor extension at side above existing garage and garage conversion; Single storey rear extension and single storey porch

Location: 5 Kimble Close, Tottington, Bury, BL8 4QQ

Description

The property is a two storey detached house located at the end of a cul de sac. It has an attached garage at the side that runs into a utility and boiler room at the rear. The plans show a conservatory to the rear however this has been removed and works have commenced on a single storey extension which the plans note as permitted development. The adjacent neighbouring property to the side is No.3, a detached house. To the opposite side the site borders a school field and to the rear the rear gardens to 30 & 32 Hunt Fold Drive.

The application includes a 1.8m deep by 2.7m across porch to the front with the garage which would be converted to a utility, wc and extended kitchen. At first floor an extension above the garage would add two bedrooms. Two existing bedrooms would become a bathroom and a landing. To the rear a single storey would project 3.6m deep for 5.8m across to form a sun lounge.

Relevant Planning History

42198 - First floor extension at side - AC 21/04/04.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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 be to the front of the converted garage and would be set back from the main front elevation. It would have a monopitch roof. The first floor extension would have a pitched roof forming a side gable wall. To the rear the single storey would have a dual pitched roof. Materials would be matching brick to the porch and single storey and matching render to the first floor extension and with roof tiles to match.

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 with internal alterations it would remain as 4. The site as has a drive to the front for parking of 3 vehicles and the proposal includes widening the drive area to provide a further area with surface water to running into soft landscaping. The parking arrangements are then sufficient.

Residential amenity - There are no neighbouring properties to the side to the proposed first floor with the site bordering a school field.

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The single storey would be to the side to No.3 and project 3.6m deep with the side blank wall. As the plans note single storey extensions can be constructed as permitted development and up to 4m in depth. The plans include a study window to be added to the existing ground floor side elevation to No.3. There is a gap of approximately 1m to the side of the site and the same to No.3. This neighbouring is blank wall except for one small window to a wc. Whilst there isn't a significant gap between the properties ground floor windows can be added under permitted development and 2m fencing can be erected if required.

There would be a distance well in excess of 7m from the proposed first floor window to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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

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 1, 2, 2i, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 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>
JL	23/02/23	DM	24/02/23