

DELEGATED REPORT

Report by Mo Warsame	Date of report: 31/08/2023	Ref: 69768/FUL
Registration: 27/06/2023	LDFC: 20/07/2023	Expiry Date: 22/08/2023
Site Visit: 18/08/2023	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension with flat roof; Removal of existing pitched roof over porch and garage at front together with alterations to form new front entrance

Location: 6 Cleadon Drive South, Bury, BL8 1EJ

Description

The property is a two-storey detached dwelling located in a small cul-de-sac with similar style houses. There is a drive to the front and a large private garden to the rear. The houses on either side are No. 4 and No.8 Cleadon Drive South, and the site shares the rear boundary with No.34 and No.36 Throstle Grove. The properties to the front are over 20m away.

Planning permission is sought for a single storey rear extension along with the removal of existing pitched roof over porch and garage at front together with alterations to form new front entrance. The single storey rear extension would have a flat roof with rooflight, project 3.9 metres to the rear and run the entire width of the property. The proposal also includes the conversion of existing garage into habitable, fenestration of windows and doors and the replacement of existing pitched roof over the porch and garage with flat roof (with roof lights). The proposal would utilise the use of some matching materials and accommodate a new entrance hall and office in the front and open plan kitchen/diner to the rear.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The application relates to a detached dwelling located on 6 Cleadon Drive South. The single storey extension would be built on the rear elevation of the property and as such would not be visible from the street scene at the front. It would be a modest rectangular structure, projecting 3.9 metres to the rear. Furthermore, the extension would be constructed with some matching materials and a design that would be considered in-keeping with the existing property as well as surrounding properties.

The proposal also includes the replacement of existing pitched roof over the porch and garage with flat roof together with alterations to form new front entrance and the conversion of existing garage to habitable. However, this would be acceptable as the proposed

alterations would be in-keeping with the existing property and would appropriately align with the other dwellings within the row. Moreover, number of properties within this street have similar development approved.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

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

- In terms of overlooking and privacy, there would be no proposed side windows on the proposed rear extension facing the adjacent neighbours. However, there would be a new side window on the existing dwelling. This would be from the open plan kitchen/diner/ family area, but it would not be a primary window as the main windows would be to the rear. Furthermore, the adjacent neighbour (No.4) that would be facing this window projects a blank wall.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 3.9 metres along the shared boundary would be acceptable.
- The development would not interfere with the current parking arrangements and the properties in front would be over 20 metres away.
- There would remain an acceptable amount of outdoor private amenity space.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - 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 Dwg No 707-01, Dwg No 707-01A, Dwg No 707-02, Dwg No 707-02A, Dwg No 707-03, Dwg No 707-04, Dwg No 707-05, Dwg No 707-05A, Dwg No 707-05B, Dwg No 707-06A, Dwg No 707-07A, Dwg No 707-08b 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>
MW	31/08/2023		