

DELEGATED REPORT

Report by Tom Beirne	Date of report: 03/05/2022	Ref: 68170/FUL
Registration: 04/03/2022	LDfC: 12/04/2022	Expiry Date: 29/04/2022
Site Visit: 06/04/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension; single storey rear extension

Location: 97 Radcliffe Road, Bury, BL9 9LD

Description

The application relates to a two storey red brick semi-detached dwellinghouse on a residential road of similar styled properties. Small single storey outrigger at the rear and detached double garage/store at the back of the driveway. The attached property at No.95 has a single storey extension at the rear. The property at No.99 has been extended to the rear. Directly across Radcliffe road is The Derby High School.

The proposal involves:

- The existing single storey outrigger at the rear would be demolished along with the small bay and detached garage at the rear.
- The two storey side extension is a stepped arrangement, projecting out 5.4m across the front before it runs back and steps out a further 1.8m, towards the boundary with No.99. The roof would be hipped and carried over onto the existing roof. The extension would include a double garage.
- A single storey extension would extend 4.3m off the back of the two storey extension and run across the rear elevation 7.4m before it cuts back towards the house and extends across to form an extension that projects 3m out adjacent to the side boundary with No.95.
- The extensions would be finished in red brick and tile to match the existing house.
- The driveway at the front would remain.

Relevant Planning History

None relevant.

Publicity

Immediate neighbours notified by letter dated 21/03/2022.

Two objections received and summarised below.

- Overshadowing and reduction in light into neighbouring properties (lounge/dining rooms).
- Reduction in outlook of neighbours.
- Overbearing and dominant.
- Distance from side dining room windows to the side extension is less than that required in guidance.

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

EN1/2 Townscape and Built Design

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 - Although the proposed extension is large, it appears to be generally in keeping with the character of the existing house and streetscape. Although the extension projects out to the side boundary, there are no terracing issues due to the fact that the neighbouring property is a bungalow. Further, the set back at first floor level at the front,

the hipped roof and the staggered design with the demolition of the existing garage, allows the extension to sit relatively comfortably within the site. Complies with UDP Policy H2/3 and guidance in SPD6 with regard to extensions and alterations.

Residential amenity - With a distance of 10 between the upper part of the extension where there is a juliet balcony, to the rear boundary, there are no serious privacy/overlooking issues arising with neighbours to the rear. There is a side door on the west/side elevation but no windows on the side elevations.

With regard to the amenity of the attached neighbour at No.95, the single storey rear extension, adjacent to the shared side boundary projects out 3m. As such, this element is acceptable and would, in isolation, be permitted development. The extension, further over would not have a serious impact on the amenity of the attached neighbour.

Given the siting of the side extension, the impact on the neighbouring bungalow at No.99 is more significant. The main impact is on the two small side windows to a dining room on the side elevation that faces the site. It is noted that the windows in question relate to an extension at the side of the bungalow. It is also noted that the dining room does have a larger main window on the rear elevation which faces into a covered area that is also not original - see site visit photos.

With regard to impact on habitable room windows, supplementary guidance in SPD6 (2020) states that 'Less weight will be afforded to habitable room windows located on side elevations'. Given that the side dining room windows are additions and 'secondary', and in light of guidance in SPD6, limited weight is afforded to the windows affected.

The demolition of the existing garage at the rear would, to a degree, improve the outlook from the rear of No.99.

In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Parking and Access - The access remains unchanged and there is sufficient space within the site for parking four cars, two within the garage and two on the driveway. This is considered acceptable and complies with UDP Policy H2/3 and guidance.

Refuse - There is sufficient space for refuse bins at the side of the house.

Objections - The comments of the neighbours have been taken into account and issues raised, addressed in the above 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.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 2022/937-01, 02, 03 and 04 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 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	03/05/2022		