

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 14/02/2022

Ref:67813/FUL

Registration: 18/11/2021

LDfC: 15/12/2021

Expiry Date: 13/01/2022

Site Visit: 02/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at front above existing porch; Balcony at rear

Location: 183 Parkhills Road, Bury, BL9 9AF

Description

The application relates to a two-storey semi-detached house on Parkhills Road, with an existing front single storey porch extension and rear two-storey extension plus an outbuilding that was converted from a garage to gym and extended. The attached neighbour has existing rear two-storey extension. The unattached neighbour on the other side is as originally built.

Planning permission is sought for a first-floor front extension that would be built above the porch and project out 1.7m, be 3m wide and have a gable roof carried over from the existing roof. Materials would match existing but with rendering (NB. The application form mentions cladding for a dormer but as there is no dormer on the plans this is assumed to be a typo).

There would also be a rear balcony at the first floor, separated from the rear boundary by a distance of 11m.

NB: It should be noted that this application is being considered alongside 67814 next-door at Nr.185 which is for a "Two storey front extension". Both properties are in the same ownership and have the same agent.

Relevant Planning History

62204 - Additional doorway, deletion of window (dimensions and materials as approved) – Approved Dec 2017

61493 - Extension to existing detached garage – June 2017

60142 - Two storey extension at rear – June 2016

51631 - Detached garage – Approved 2009

Publicity

Immediate neighbours notified by letter dated 25/11/2021 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/1	Visual Amenity
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - In terms of design and appearance the two storey front extension would normally be considered to be out of character with the surrounding streetscene where no other two storey extensions exist. However, given it is proposed location alongside a symmetrically sited and proportioned two storey front extension nextdoor alongside this application, it is considered to be broadly in-keeping with the surrounding streetscene. SPD6 states that large two storey front extensions will normally be refused, however this proposal would extend from the main building line by 1.7m and measure 3.0 width and would also be positioned such that it would be symmetrically sized and positioned opposite the attached neighbours proposed two storey front extension.

Situated at the front, the extension would be easily visible from the public arena, although materials would match existing plus rendering. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Separately, there would also be a rear balcony positioned such that it would be symmetrically opposite the attached neighbour existing balcony. This would partly overlook the attached neighbours garden although both are under the same ownership and would be set some distance apart from the shared boundary with the unattached neighbour. The balcony would be separated from the rear boundary by a distance of 11m which is considered to be acceptable.

Residential amenity - In terms of overlooking and privacy the proposal is entirely at the front of the house and the proposed windows do not directly overlook any neighbours.

The extension is acceptable in relation to both neighbours as it complies with the '45-degree rule' within SPD6. Overlooking is minimized by the absence of any side windows.

In terms of the general prominence and impact on daylight the extension is set at the front of the main house above the existing porch and to the north of the front garden at Nr.181. Any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways – No changes proposed. There would remain sufficient space for at least two parking spaces with a driveway measuring approximately 21m in length.

Conclusion – In consideration of the above and alongside the neighbours proposed extension, it is considered that the proposed first floor front extension and rear balcony would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6. It is therefore recommended that this application be approved concurrently with the adjacent neighbours application (67814).

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 21/673/02, 21/673/03, 21/673/04, 21/673/06, and 01/673/07 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u> <u>Date</u>	<u>Sign off Officer</u> <u>Date</u>
SGR 14/02/2022	