

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 17/03/2023

**Ref:**69161/FUL

Uhunmwagho

**Registration:** 11/01/2023

**LDFC:** 10/02/2023

**Expiry Date:** 08/03/2023

**Site Visit:** 30/01/2023

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 3

**Con Area:**

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Two storey extension at rear; external alterations including change from garage door to window; alterations to existing windows and addition of window / door to side elevation

**Location:** 6 Blundell Close, Bury, BL9 8LH

**Description**

The property is a two storey detached house situated at the top of a small cul-de-sac. It has a very small front garden with a sub-standard drive way to the front. Access to the rear garden is via paths to both sides of the dwelling. As the plot is triangular in shape the side/rear garden area is much larger than the front. There are fences to all boundaries with planting throughout the garden. There is a patio area directly to the rear of the house with raised lawn and planting to the rest of the garden.

The proposal is to build a two storey extension at the rear, external alterations including change from garage door to a window and alterations to existing windows and addition of window and door to side elevation. The extension to the rear would measure 6.36m wide and would project 2.54m from the original rear elevation. It would be built out to the same point as the existing two storey rear extension and would have a flat roof to match.

**Relevant Planning History**

N/A

**Publicity**

Neighbours notified on 20/01/2023 - Three objections received. A summary of the objections is listed below;

- I feel having the balcony that they have planned will invade our privacy each time we are in the garden.
- The balcony would be 6m from the boundary with their property and would overlook their garden.
- They understand that the balcony should be at least 7m from a boundary.
- Noise levels from users of the balcony would be a concern.
- No.6 has a very short drive which can just about accommodate one car in front of the property. Parking could be an issue as the property has already been extended to twice its original size. They suggest that enquires should be made concerning the number of cars expected to be kept at no.6 and a solution provided.

**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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

### **Visual Amenity -**

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and

appearance of neighbouring properties and the general street scene.

At the front of the property the only change would be that the garage door would be replaced with a window. The window would be similar in design to the existing windows at the property.

At the rear two first floor windows (bathroom and a landing) would be replaced with larger bathroom and landing windows and windows at ground floor level would be replaced. These along with the addition of a door to the west side elevation and replacement of a ground floor window to the east side would not have any significant detrimental effect on visual amenity.

The two storey rear extension would have a flat roof to match the existing two storey flat roof extension to the rear. Although flat roofs would normally be resisted in many areas the fact that the extension would be to the rear of the property it would only be visible from a few neighbouring properties to the rear. It would not be visible in the public realm to the front of the dwelling. The design of the proposal is considered to be in keeping with the existing building.

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 -**

- As the new first floor windows to the rear elevation would be to non-habitable rooms only the distance to the rear boundary with 46 Hillsborough Drive would be acceptable in this instance.
- The distance to the east side boundary would be acceptable in terms of SPD 6.
- The changes to the windows to all elevations would not have any significant detrimental effect on residential amenity at surrounding properties.
- Existing parking arrangements on site would not be altered or affected by the proposed development.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

**Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

**Response to neighbour objections -**

The neighbour objections have been addressed in the report above and also with the receipt of revised plans removing the balcony at the rear of the property.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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**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 Rev D, 2 Rev D, 3 Rev D and 4 Rev D received on 03/03/2023 as modified by the email from Mr Kevin Maloney dated 03/03/2023. The development shall not be carried out except in accordance with the details hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 17/03/2023     |             | JT 17/03/23             |             |