

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/12/2022	Ref: 68907/FUL
Registration: 14/10/2022	LDfC: 08/11/2022	Expiry Date: 09/12/2022
Site Visit:	Site Notice: N/A	Press Date: 20/10/2022
Objections: 1	Con Area: BROO	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Replace existing garage with Single storey side/rear extension and external alterations

Location: 3 Ashborne Drive, Summerseat, Ramsbottom, Bury, BL9 5PD

Description

Area

The application site shares a short rear boundary with 40 Rowlands Rd in the Rowlands and Brooksbottoms Conservation Area which is comprised of two distinct but related parts. Rowlands lies on the high ground to the east of the East Lancashire Railway line. This area exhibits a mix of architectural styles varying from 18 century vernacular to the 19 century neogothic. The area also includes some groups of trees notably in the churchyard and some important public spaces.

Site

The Application Site comprises an existing dwelling which is a detached, two-storey dwelling with an attached garage, located on Ashborne Drive within the built framework of the village of Summerseat. The property is a traditional brick/render built dwelling set within a large residential curtilage and private garden space. The rear garden boundary some 28m plus from the existing dwelling is positioned directly on the shared rear boundary with the neighbouring property, '40 Rowlands Rd' within the Conservation Area, whilst the side boundaries are shared boundaries with No.1 Ashborne Drive and No.5 Ashborne Drive.

Proposal

Planning permission is sought for a single storey side/rear extension to the existing dwelling. To facilitate this extension, it is also proposed to demolish the existing attached garage, and to replace this structure with the proposal. The proposed extension would project approximately 2.6 metres to the rear beyond the existing garage. The development would align with the existing dining area and form an enclave where the kitchen is located. The proposed development would run a total length of approximately 12 metres and would have a setback of 0.75 metres from the front elevation. The proposed development would accommodate sitting area, utility and a new garage. The proposal would utilise the use of matching materials and would a pitched roof.

Relevant Planning History

19/0372 - Paved driveway with concrete - 24/02/2020

Publicity

Neighbour letters sent on the 17/10/2022. One objection received.

One comment with the following concerns:

- Issue with noise due to the close proximity to the proposed extension.
- Parking issues due to the demolition of the existing garage and as a result concerns of

parking on the street bend.

Statutory/Non-Statutory Consultations

Conservation Officer

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
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 and Conservation Area

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.

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. This is reflected in UDP Policies EN2/1 and EN2/2 as a saved policy and following the publication of the NPPF these are consistent with NPPF.

Paragraphs 192, 193, 194 and 196 of the NPPF state that in when considering the impact of a proposed development LPAs should take into consideration the desirability of sustaining and enhancing heritage assets, and the positive contribution these heritage assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness.

The plans show that the proposed extension would be built with materials and a design that would retain the character of the existing building, therefore preserving its character. Furthermore, the Conservation officer agrees that the proposed development would not cause any harm to the character and appearance of the conservation area. The design of the proposal is considered to be in keeping with the existing building and therefore acceptable in this location. The proposal would preserve the character of the Rowlands and Brooksbottoms Conservation Area. As such, the proposal would comply with Bury UDP Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 192-194 and 196-197 of the NPPF.

The proposal also 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.

- The single storey side/rear extension would extend approximately 2.6 metres to the rear and would not project beyond the existing rear elevation which would be acceptable. Additionally, there would be over 20 metres to the rear boundary exceeding the 7 metres required by SPD 6.
- There would be no proposed side windows facing the adjacent neighbouring property (No.1 Ashborne Drive).
- The single storey side extension would project less than 1 metre beyond the principal rear elevation of the adjacent No.1 Ashborne Drive. The development would not encroach the 45° rule when taken from the adjacent neighbouring

property (No.1 Ashborne Drive) therefore, the development would be acceptable.

- There would be no proposed front windows on the proposed extension. Moreover, the nearest property to the front separated by a highway would be over 20 metres away. Therefore, this would be considered acceptable.

Overall, there would not be any seriously detrimental effect on the residential amenity 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.

Parking

The driveway at its current condition meets the maximum parking requirements.

Response to Objection

There would not be any detrimental impact on the neighbouring properties. The above assessment above has highlighted that there would not be adverse impacts and addressed the concerns of the objections. Furthermore, the proposal involves the replacement of existing garage and the driveway in front would not be changed. Therefore, there should not be any parking concerns on the street bend as the existing parking on the site would be sufficient.

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 drawing numbers: 2136/JM/01, 2136/JM/02, 2136/JM/03 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 plus rendering as outlined in drawings submitted.
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>
MW	30/12/2022		

