

DELEGATED REPORT

Report by Jane Langan	Date of report: 10/12/2020	Ref: 66077/FUL
Registration: 22/10/2020	LDfC: 13/11/2020	Expiry Date: 17/12/2020
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side / rear extension

Location: 25 Wilson Street, Pimhole, Bury, BL9 7EF

Description

The property is a two storey semi detached house. It has been previously extended two storey at the side and single storey at the rear. Due to Covid restrictions, and there being no access externally to the rear, the agent has provided site photographs. The adjoining No.23 has a covered canopy linked to an outbuilding at the rear. To the party wall side is a kitchen/dining room window at ground floor and bedroom window above. This property has consent (65064) to extend two storey at the side and single storey at the rear 3m deep to the boundary. To the opposite side No.27 is extended two storey at the side and single storey at the rear up to the site boundary. Beyond the rear of the site is a commercial building, a club premises. It sits to the north west of the site and its front elevation is viewed from the rear garden of the site separated by wooden panel fencing.

The application proposes to extend at the rear by infilling the north east corner at first floor then extending out first floor 2.4m deep for 7.4m across. The extensions would form a bathroom and two bedrooms.

Relevant Planning History

59819 - Porch and canopy at front - AC 13/04/2016

34687 - Single storey extension at side:replacement of flat roof with pitched roof - AC 21/10/98.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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.

Visual amenity and design - Located to the rear the proposal would not be visible from the main street view. The roof would be a dual pitch forming a gable at the rear. Materials are noted as existing, and for the avoidance of doubt, a standard matching condition is added. The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 4 to 6 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing is paved at the front providing parking for two cars. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The adjoining No.23 has a ground and first floor window adjacent the site single storey and an outbuilding adjacent with a covered canopy. It has consent to remove this and construct a single storey extension. The proposed first floor would be set in from the boundary by 1.4m and taking a 45 degree line 1m out along the shared

boundary there would be no encroachment. As such the proposal would not cause any significant loss of light to the closest windows and with the ground floor already impacted on by its own outbuilding and canopy if it were to remain unextended. To the opposite side No.27 is extended single and two storey up to the boundary. The proposed first floor would project less than 3m from the first floor of this neighbouring property.

To the rear there would be less than 7m from the first floor bedroom windows to the boundary. Beyond the site boundary is the area to the front of the commercial building. Whilst this is not a private residential amenity area the separation distance would be around 3.8-4.3m. As such the agent has confirmed the windows would be obscure glazed and updated the plans to show this. Obscure glazing would see a reduced outlook to habitable rooms however there are 4 other bedrooms with plain glazing and the two proposed bedrooms would be small bedrooms with no less of an outlook than if they were part of a loft conversion. The agent has confirmed that the household require the additional bedrooms as the applicant has 3 children and 3 relatives living with them. A condition is added for the obscure glazing to be retained.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - 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 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.

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 Existing and proposed site plans, Sheet 1, Sheet 2 Rev 1, Sheet 3 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.
- 4 Before the first occupation of the extension hereby permitted the windows to the first floor rear elevation, as noted with obscure glazing on plan Sheet 2 Rev 1, shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

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Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	10/02/20	DM	14/12/20