

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/11/2022	Ref: 68951/FUL
Registration: 05/10/2022	LDFC: 16/11/2022	Expiry Date: 30/11/2022
Site Visit: 08/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side/front extension; Single storey rear extension and external alterations

Location: 10 Arundel Close, Bury, BL8 1YB

Description

Site

A modern two storey detached property with an attached garage to the side and parking to the front for at least two vehicles. There is a small garden to the front and a conservatory to the rear. Directly to the rear of the house is an existing patio area with raised lawned garden beyond. There are 2-metre-high fences to all boundaries at the rear, as well as various small trees and bushes.

Direct Neighbours

No.5 Arundel Close to the east, (front), has previously received planning permission for a two-storey side extension but this has never been implemented and permission expired in 2010. This property has a garage and single storey kitchen extension to the side which would be approximately 20 metres from the front wall of the proposed extension. Properties to the rear are also over 20 metres away. Both adjacent No. 8 and No. 12 Arundel Close, to the north and South of site have received planning permission for two storey side extensions. Furthermore, there is a blank two storey wall on the side of No.8 Arundel Close facing towards the site.

Proposal

The applicant proposes to build a two-storey extension to the side as well as a single storey rear extension. The extension would project approximately 3 metres from the side wall of the existing property and would measure 9.3 metres along the side to line up with the principal rear elevation. On the first floor level the extension would project 1 metre to the front from the front elevation. The single storey rear element would project 2.6 metres to the rear.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 25/10/2022. No objections received.

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

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of

neighbouring properties, and protects the general street scene.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance there would be no setback distance as the extension would instead project 1 metre to the front from the first floor level. However, given the street's short row of detached properties and the fact that similar proposals with similar extensions have been approved within this street, it is considered that the extension will not lead to a terracing effect.

Situated in the front, the two-storey side extension would be visible from the street scene. However, the extension would be a rectangular extension yet simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed single-storey rear extension would have a pitched roof with rooflights. The two-storey side extension would also have pitched roof replicating the shape and style of the original and neighbouring dwellings.

There are several examples of this design within this area. In fact, both the adjacent properties have similar two storey extensions. The applicant proposes to build the extension using materials that would match the existing property and as such it should not have any seriously detrimental effect on visual amenity in this area. The design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, 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

- Properties to the rear and front would be over 20 metres away.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. Given, the proposed development would extend less than 3 metres to the rear, it would be considered acceptable. Furthermore, the rear extension would have a blank wall facing towards No.12 Arundel Close. On the opposite side, the proposed side window would be sufficiently setback from the shared boundary with No.8 Arundel Close.
- As the extension would be over the existing garage there would not be any impact on the existing car parking available on site.
- There would be no side windows proposed. Furthermore, No. 8 and 12 on either side do not have any windows in their side elevations. Therefore, there would not be any seriously detrimental effect on the residential amenity currently enjoyed by the occupiers of the adjacent properties.

Overall, 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 increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 to be considered. This would then require the proposal to provide a minimum of 2 parking spaces. As such, in this instance the parking arrangements would be considered 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 drawings numbered 1, 2 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>
MW	30/11/2022		