

DELEGATED REPORT

Report by Jane Langan	Date of report: 17/03/2022	Ref: 67969/FUL
Registration: 11/01/2022	LDFC: 11/02/2022	Expiry Date: 08/03/2022
Site Visit: 25/02/2022	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 extension; Single storey rear extension

Location: 73 Lowercroft Road, Bury, BL8 2EP

Description

The property is a two storey detached with an attached garage at the side. It has a drive and garden to the front and to the rear a patio from the house and lawn which slopes down. The neighbouring property to the side of the proposal is No.75. It is a detached house and the rear elevation is deeper than that to the site and its side elevation blank wall. To the rear the garden borders the rear gardens to 15 & 17 Waddington Close, bungalows at a lower level.

The application includes a two storey extension at the side coming out 3.68m. It would be set back 0.5m from the front at first floor and run to the existing rear elevation. To the rear the ground floor would project out a further 1.5m for 3.9m across. The extension would form a garage/store, utility room, extended kitchen with an additional bedroom and ensuite at first floor.

Relevant Planning History

None.

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 - The proposed two storey side extension would be built to the boundary with the first floor front set back 0.5m. SPD6 considers terracing for extensions close to a boundary and can require a gap and first floor front set back to add up to 1.5m. The applicant has provided a supporting statement and requests the 0.5m set back remains without the requirement for a further 1m. In this instance it is not considered that a set back is required for potential terracing as there is a levels difference along the row and the adjacent No.75 is set back and therefore the site and this property would have a staggered building line. The row from Nos.69 to 79 are similar house types and a number have built above the garage and have set backs or gaps to the side. As such this is a characteristic of the row. The adjacent No.75 has not extended above the garage but did obtain consent in 2009 (51783) and which had a 1m gap to the side and 1m first floor set back. It is then to be considered if the proposal as it stands would have a detrimental impact on the street scene. Given that the proposal would have the 0.5m set back and the first floor front to the adjacent No.75 would be set back by approximately 2m and is at a lower level it is not considered that the proposal would appear out of keeping in the immediate street scene to an unacceptable level that would give grounds for refusal. It is noted that No.75 may apply in the future for a similar development however this would then be considered on its own merits.

In terms of its design the proposal would have a pitched running from the main ridge and forming a side gable wall. The rear single storey section would be a monopitch roof.

Materials are noted as brick and tile therefore 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 3 to 4 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 has a drive to the front for parking of one vehicle and it would remain in excess of 5.5m. There may be potential for further parking to be created if the applicant should require it. There is also public transport in the immediate vicinity, the road is on a bus route. In this instance the parking arrangements are considered sufficient.

Residential amenity - The proposed extension would be to the side to No.75. This property is set back from the site at the front however the proposal would not encroach across a 45 degree line from the mid point of the closest windows to its front elevation. To the rear this property would sit deeper than the site as extended. There would be one window to the proposed side elevation to a utility room. This would face on to the blank side wall to No.75. There would be a distance in excess of 7m from the proposed first floor rear windows to the boundary and the proposed elevation would be the same level as the existing and with non habitable rooms.

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 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 the drawings received on 11/01/22 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.

DELEGATED REPORT

<u>Case Officer</u> JL	<u>Date</u> 17/03/22	<u>Sign off Officer</u>	<u>Date</u>
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