

DELEGATED REPORT

Report by Amanda

Date of report: 21/06/2023

Ref:69627/FUL

Uhunmwagho

Registration: 24/05/2023

LDFC: 17/06/2023

Expiry Date: 19/07/2023

Site Visit: 07/06/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear/side extension; Single storey front/side extension; Front porch

Location: 4 Inglewhite Close, Bury, BL9 9NT

Description

The application relates to a two storey semi-detached house which has been previously extended to the side. The front garden is open to the highway in front and there is a driveway for two vehicles. At the rear there is a garden with fences to all boundaries and to the rear of the site are the grounds to The Derby High School.

The proposal is to build single storey front and rear extensions. At the front there would be an extension to the existing room projecting 2.1m forward and measuring 3 wide. There would also be a porch central to the front elevation projecting 2m forward of the main elevation and 2.6m wide. The roof would be pitched and there would be a mono pitched canopy across the front of the house with a pillar to either side.

At the rear the extension would project a maximum of 5m from the original rear elevation on the south east side. To the north side the extension would project 4m and the whole extension would measure 8.85m wide and it would have a flat roof. The extension would project around 900mm from the north side elevation.

Relevant Planning History

68924 - Single storey front/side extension and canopy - Approve with Conditions
13/02/2023

69637 - Single storey side/rear extension - ZZZ Special deleted application 12/05/2023

Publicity

Neighbours notified on 25/05/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Cadent Gas Ltd (formerly National Grid) - No objections. Informative to be added to the decision.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The extension to the front of the property would be built with materials and a design that would be considered to be in keeping with the existing building as well as remaining similar to other properties along Inglewhite Close.

The flat roof extension to the rear would be finished with materials that would be considered

to be in-keeping with the existing building, except for the flat roof which would be very different to the existing building. However, the extension would only be fully visible by the neighbours to either side of the site and it would not be readily visible in the public realm to the front of the property. As such the design of the single storey rear extension is considered acceptable in this location.

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 -

- There are no residential properties to the rear of the site and properties to the front would be more than a sufficient distance from the proposed front extension not to have any significant detrimental effect on residential amenity at those properties.
- The remaining drive length would measure around 9.5m from the front of the extension to the highway in front. This would be acceptable in terms of SPD 6.
- The extension to the front would not project forward of no.6 Inglewhite Close to the north west side.
- The new canopy to the front would project around 1.4m from the front elevation and it would be set away from the shared boundary with no.2 by around 200mm. Normally where a property is being extended to the front, and close to a shared boundary, a projection of up to 1m would be considered acceptable. The 45° rule would be applied at the 1m point. In this instance as the canopy would be 200mm off the shared boundary this distance can be deducted from the projection of 1.4m, which means the canopy would be 200mm in excess of what is normally allowed. As it would just be a canopy, without walls the path of light to the ground floor window at no.2 would not be significantly detrimentally affected by the erection of the canopy. It is also noted the neighbour has not objected to the proposal.
- At the rear the single storey extension would project around 1m past the rear elevation of a single storey extension to the rear of no.2. As such it would not have any significant detrimental affect on residential amenity at this property.
- Given the layout of the estate the application property is angled away from no.6 to the north west. The extension would be around 4.8m at its closest point and there would only be an external door in the side elevation. As such there would be no significant detrimental impact on residential amenity at this property.
- The extension would be just over 8m away from the rear boundary, which would be acceptable in terms of SPD 6.

Taking the above in to account 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.

Gas Pipeline -

There is a gas high pressure pipeline which runs along the rear gardens of properties on Inglewhite Close and there is a 3m buffer either side of the pipe. At its closest point the single storey rear extension would be around 1.4m away from the buffer. Cadent were consulted and have no objections to the proposal. An informative would be added to the decision advising the applicant/agent what they need to be aware of regards the pipeline.

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 drive at the front of the site.

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 05/05/2023 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 21/06/2023			