

DELEGATED REPORT**Report by** Amanda**Date of report:** 01/04/2022**Ref:**67998/FUL

Uhunmwagho

Registration: 10/02/2022**LDfC:** 03/03/2022**Expiry Date:** 07/04/2022**Site Visit:** 22/02/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 3**Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** First floor side extension; Single storey rear extension; Canopy to front elevation**Location:** 12 Raylees, Ramsbottom, Bury, BL0 9HW**Description**

The application relates to a two storey detached house situated at the top of a cul-de-sac. It appears that the property may have been previously extended to the side. The whole of the front of the site is paved for parking. There are pot plants situated around the front of the site as well as a hedge to the north side boundary at the very front of the site. To the rear of the property there is a single storey extension and the garden has fencing to all boundaries.

The proposal is to add a first floor extension to the side, a single storey extension to the rear and a canopy across the front elevation. At the side the first floor extension would measure 2.93m wide and it would be built flush with the existing front and rear elevations.

At the rear the single storey extension would project 3.94m from the original rear elevation and it would measure 11.34m wide. The roof would be hipped with three rooflights to the rear. At the front a canopy would be erected across the whole width of the front elevation.

Relevant Planning History

N/A

Publicity

Neighbours notified on 10/02/2022 - Three objections received. A summary of the objection is listed below;

- None of the houses on the cul-de-sac have fences/walls to the front. It would be out of keeping.
- The high wall would spoil the outlook for other residents.
- This is not a gated community.
- To the north of the site there is a private entrance to numbers 14, 16 and 18 Raylees. If the wall is built it would be dangerous entering and exiting this road.
- The access road to numbers 14, 16 and 18 is narrow and difficult to manoeuvre in and out at present. The wall would make this an impossible task.
- As the property would become a 5 bed roomed house it is their understanding that three parking spaces would be required. It doesn't seem possible to provide three parking spaces within the site as the wall would limit the space on site, leading to more on street parking.

Following the site visit and further discussion it was felt that the proposed wall/fence would not be in-keeping with the existing street scene and also that the 1.5m high wall would be harmful in terms of Highway safety for neighbouring residents accessing numbers 14, 16 and 18 Raylees to the north of the site. As such the agent removed the boundary wall/fence and gates from the proposal. Revised plans were received on 30/03/2022 but the

neighbours were not notified of the revisions given that the revised plans have addressed the objectors' comments.

Statutory/Non-Statutory Consultations

None

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 proposed extensions and canopy would be built with materials and a design that would be considered to be in keeping with the existing building and would remain similar to other properties along this road.

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 -

- Properties to the rear would be a sufficient distance from the rear of the proposed single storey extension in terms of SPD 6 and any direct views from the extension would be over the applicant's rear garden only. The rear elevation would be just over 1m from the rear site boundary.
- The first floor extension would be over 12m from the rear boundary and over 7m from the front. This would be in line with the requirements as set out in SPD 6.
- No.10 Raylees to the south is built forward of the application property and there are no windows in the side elevation adjacent to the site.
- At the rear the first floor elevation would appear to satisfy the 45° rule with regards to the patio doors to the rear of no.10, close to the shared boundary. As the site is due north of no.10 there would not be any significant detrimental impact on light to the rear of no.10 next door.
- To the north side the proposed single storey rear extension would remain set back from the rear elevation of no.12 and there would be no windows in the side elevation adjacent to this property.
- The canopy across the front elevation would not interfere with existing parking arrangements within the site.

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

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 available to the front of the site.

Response to neighbour objections -

The neighbours' objections have been addressed by the revised plans being submitted removing the proposed wall/fence from the proposal.

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

DELEGATED REPORT

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 P1, P2, P4, P5, P6, P7, P8, P9 and P10 received on 30/03/2022 and drawing numbered P3 received on 01/04/2022 as modified by the emails from Studio Charette dated 30/03/2022 and 01/04/2022. The development shall not be carried out except in accordance with the details 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 - 01/04/2022			