

DELEGATED REPORT

Report by Mo Warsame	Date of report: 13/12/2023	Ref: 70194/FUL
Registration: 23/10/2023	LDfC: 21/11/2023	Expiry Date: 18/12/2023
Site Visit:	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: 40 Kendal Road West, Ramsbottom, Bury, BL0 9SY

Description

The property is a semi-detached house located on Kendal Road West, a residential area with similar style detached dwellings. The site has a drive to the front, a garden and an attached garage to the side. The adjacent neighbours on either side are No. 38 and No.42 (attached).

The planning permission is sought for the construction of a two-storey side extension and single storey rear extension. The proposed two-storey side extension would project approximately 3.1 metres to the side and run to the principle rear elevation. The side extension would be tucked in behind the existing garage on the ground floor while the first floor element would be constructed above the garage.

The single-storey rear extension would project 2.9 metres to the rear and run the entire width of the dwelling effectively adjoining with the proposed side extension on the ground floor level.

The two-storey side development would have hipped, pitched roof while the single storey rear extension would have a mono-pitched roof with sunroofs. The proposal would accommodate a utility room and a new open plan kitchen/diner/living on the ground floor level along with additional bedroom and a new ensuite bathroom on the first floor.

Relevant Planning History

None.

Publicity

Neighbour letters sent. 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

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 two storey 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 due to a staggered building lines and level differences of properties in this street, it is considered that the proposal would not lead to the uncharacteristic terracing of dwellings.

Situated on the rear, the proposed single storey rear extension would not be visible from the street scene. The two-storey side extension would be tucked in behind the existing garage on the ground floor level and as such, only the first-floor element would be visible from the street scene. Moreover, the two-storey side extension would not extend beyond the existing rear elevation and the proposed single store extension would project 2.9m to the rear from this point. Furthermore, proposal would utilise the use of some matching materials.

Overall, the proposed development would be modest structure with simple design that would appear subservient to the existing dwelling. As such, it would not detract from the character of the area and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The development would have no proposed side windows on either side except for the proposed single window from the new utility room on the ground floor. However, this would not be from a habitable room and would be shaded by the existing high fencing.
- The proposed single-storey rear extension would have no proposed windows on the sides and would project 2.9 metres to the rear. 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.
- There would be sufficient distance to the rear boundary.
- The proposed two storey side extension would be tucked in behind the existing garage and such would not project beyond the existing front elevation. It would also not extend beyond the principal rear elevation.

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore 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 will result in one additional bedroom on the first floor, however there will be no changes to site access or parking. The current parking conditions meets the maximum parking requirements

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 23/10/2023 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 Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	13/12/2023		