

DELEGATED REPORT

Report by Mo Warsame	Date of report: 17/11/2022	Ref: 68955/FUL
Registration: 05/10/2022	LDfC: 16/11/2022	Expiry Date: 30/11/2022
Site Visit: 20/10/2022	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 connecting to outbuilding and New roof to front porch.

Location: 40 Heath Avenue, Ramsbottom, Bury, BL0 9UN

Description

The property is a semi-detached dwelling with garden to the front and a drive which leads to a detached garage to the rear. To the rear it has been extended single storey. The adjoining property is No.38 Heath Avenue and has also been extended at the rear and there is wooden panel fencing along the garden boundaries. The unattached dwelling on the opposite site is No. 42 Heat Avenue, a similar property in design and scale with a detached garage that runs parallel along the boundary with the existing garage on the site. To the rear the garden borders the rear garden of No. 36 Newcombe Road, a semi-detached house extended single storey at the rear.

Planning permission is sought for part single/part two-storey side extension along with a single storey rear extension connecting to the existing garage/outbuilding and a new roof over the existing front porch. The part single side element of the two-storey extension would run a length of 10.5 metres to the rear and project 2.65 metres to the side. The two-storey element of the side extension would not project beyond the principle rear elevation. The single storey rear extension would project approximately 3 metres and would also not extend beyond the existing lounge at the rear. The proposal would facilitate a wet-room, utility and kitchen on the ground floor level and a bedroom with ensuite on the first floor. The proposed development would have pitched roof with rooflights and utilise the used of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 25/10/2022. One objection received.

Comment stating no objection in principle to the extension but would have the following concerns.

1. The re-positioning manhole and the management of sewer.
2. The garage shares an interior wall with the garage of adjacent property of single brick construction and as the excavations for the foundations are within 3 metres of our foundation a Party-Wall Agreement may be required.

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

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 two-storey extension would not be setback from the front elevation and 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. However, in this instance due to a staggered building line, it is considered that the proposal would not lead to the uncharacteristic terracing of dwellings. Furthermore, No. 36 Heath Avenue have also extended a similar two-storey side extension without setback. Therefore, the proposed two-storey extension would be acceptable and would not have any adverse impact on the street scene.

The proposed two-storey side extension would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties. Situated to the rear, the single storey rear extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- The single storey rear element would extend approximately 3 metres and would not project beyond the existing rear elevation which would be acceptable. Additionally, there would be approximately 10.5 metres to the rear boundary exceeding the 7 metres required by SPD 6.
- There would be no proposed side windows facing the adjacent neighbouring property (No. 42 Heath Avenue). On the other side a proposed window would be facing towards the rear garden of the adjoining property (No. 38 Heath Avenue). However, there would be sufficient distance to the shared boundary together with shrubs and high fencing that would screen this window. Therefore, there would be no detrimental impact on this neighbour.
- The part single side element of the two-storey extension would project a total length of 10.5 metres from the front extending beyond the original rear elevation by 1 metre to connect the existing dwelling and garage/outbuilding. This would mean that the part in question would be the additional 1 metre extension that connects the existing house and the garage/outbuilding. However, given that this section of the development would not encroach the 45° rule when taken from the adjacent neighbouring property (No. 42 Heath Avenue) and that the existing garage/outbuilding was already there, the development would be acceptable.
- The proposed front windows on the two-storey side extension would both be bathroom windows. Moreover, the nearest property to the front separated by a highway would be over 22 metres away. Therefore, this would be considered acceptable.

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

Response to Comments/Objections

1. The manhole and sewer are issues to be dealt with by building regs.
2. Party wall issues are separate issues which would also be covered by building regs.

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 drawing numbers U93-P01, U93-P02, U93-P03, U93-P04, U93-P05 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 plus rendering as outlined in drawings submitted.
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	17/11/2022		