

DELEGATED REPORT

Report by Mo Warsame	Date of report: 01/07/2024	Ref: 70624/FUL
Registration: 01/05/2024	LDfC: 22/05/2024	Expiry Date: 26/06/2024
Site Visit: 28/06/2024	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension

Location: 7 Brookdene Road, Bury, BL9 8ND

Description

The property is a two storey detached house on a residential estate. It has a garden to the front and drive to the side leading to a detached garage. To the rear the house has a single storey extension. To the side, the neighbouring property is No.9, also detached and set at an angle to No.7. It has an attached garage to the side and has also been extended with a single storey at the rear. No. 5 which is located on the opposite side is a semi-detached property.

Planning permission is sought for the erection of first floor side extension. Built above the existing garage, the first-floor extension would be flush with the existing structure that is already setback from the principal front elevation by 0.8m. The extension would continue to follow the foot-print of the existing garage to the rear and it would accommodate an additional bedroom with en suite bathroom. The development would have a pitched, hipped roof and utilise the use of matching materials.

Relevant Planning History

59613 - Single storey extension at side; Pitched roof to existing flat roof extension at rear; Widening of existing driveway and vehicular access at front - Approve with Conditions 04/02/2016

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The proposed first floor side extension would be considered in-keeping with the existing property. Positioned to the the side above the existing garage and at an angle in relation to the adjacent property (No.9), the extension would be visible from the public arena. However the proposed materials would match existing and proposed extension would be modest addition. As such, the proposed first floor side extension would be subservient to the main property and would therefore considered to be acceptable.

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

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There are minimum impact on overlooking and privacy to the rear of the property as there are sufficient separation distance to the rear boundary from the proposed first floor habitable room. Therefore the extension would comply with the adopted guidance in SPD6.
- The proposed extension does not project beyond either the front or rear building lines and therefore the 45-degree rule would not apply.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension is set at an angle away from the shared side boundary and is to south-west of No 9. Given the positioning, orientation and size of the extension there would be minimum impact on this neighbours property.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 would then require the proposal to provide a minimum of 2 parking spaces. The existing parking arrangements on site would remain unchanged, which would be one space within the attached garage, and two spaces on the driveway in front. As such in this instance the parking arrangements are considered sufficient.

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 drawings numbered Dwg no: 23:184:01, Dwg no: 23:184:02, Dwg no: 23:184:03, Dwg no: 23:184:04, Dwg no: 23:184:05, Dwg no: 23:184:06 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	01/07/2024	DM - 01/07/24	