

DELEGATED REPORT

Report by Amanda

Date of report: 09/12/2022

Ref:68899/FUL

Uhunmwagho

Registration: 07/10/2022

LDfC: 28/10/2022

Expiry Date: 02/12/2022

Site Visit: 15/11/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at front; first floor side extension; single storey extension and pergola at rear; garage conversion including change from garage door to 2 no. windows at front; new windows to replace existing; increase in size of ground floor window at rear and change from ground floor window / door to window at rear

Location: 241 Whittingham Drive, Ramsbottom, Bury, BL0 9NY

Description

The application relates to a two storey detached house with a garage attached to the side. It is situated at the end of a row of properties on Whittingham Drive at the junction with Ripon Hall Avenue to the north. There are gardens to the front and rear of the dwelling with drive in front of the garage for at least two vehicles.

There is a wall and hedge along the front boundary, fences to the side and rear boundaries as well as planting to the north side. There is an existing conservatory on the rear elevation.

The proposal is for;

- Two storey extension at front.
- First floor side extension above the existing garage.
- Single storey extension and pergola at rear.
- Garage conversion including change from garage door to 2 no. windows at front.
- New windows to replace existing; increase in size of ground floor window at rear and change from ground floor window / door to window at rear.

The proposed two storey front extension would project 900mm forward of the existing garage and would measure 2.5m wide. The roof would be pitched. The first floor side extension would be built directly above the existing garage and the roof would be pitched to the same height as the existing roof.

At the rear the single storey extension would project 3.5m from the rear elevation of the main house and it would measure 3.9m wide. The roof would be pitched with a rooflight to either side. A pergola would be built off the rear of the single storey extension projecting 4m and measuring 3.9m wide.

Relevant Planning History

N/A

Publicity

Neighbour's notified on 07/10/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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. 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.

As the property occupies a corner position at the junction of Whittingham Drive and Ripon Hall Avenue to the north it is a prominent building in the existing streetscape. The addition of the extension above the garage and its design would be similar to other properties along Whittingham Drive and so in that respect it is considered that the first floor extension would not have any significantly detrimental effect on the character of the current streetscape.

The first floor extension would be built close to the shared boundary with no.239 next door, closing the gap between the existing two storey dwelling and the side elevation of that property. Many properties along Whittingham Drive have been built, or extended close to boundaries. As such building a firsts floor extension within close proximity of a shared boundary would not be considered uncommon on this particular road.

In addition to the first floor extension the applicant also intends to build a two storey front extension providing a porch at ground floor level and landing above. Although two storey, the extension would be considered to be a relatively small addition to the front of the property as it would only project 900mm forward of the existing garage.

As the extension would be set back from the main two storey front elevation by 2m it would not be readily visible when approaching the property from the north side. It would be visible from the south but as it would be set back from the existing front elevation and it would remain set back in comparison to no.239 Whittingham Drive next door its impact on the character of the existing streetscape would not be considered significantly detrimental.

The single storey rear extension would have a similar roof height to that of the existing conservatory and it would be built a similar distance from the side boundary meaning the roof would be visible above the boundary fence and planting along the northern boundary. This would not be significantly different to the view of the existing roof of the conservatory and as such it would not be considered detrimental in terms of its impact on the character of the streetscape.

The proposed development would be built with materials and a design that would be considered in-keeping with the existing property and other properties in the immediate vicinity.

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 front of the site would be a sufficient distance from the proposed extensions to the front and side of the property not to have any significant detrimental effect on residential amenity.
- There would be just over 11m from the rear of the first floor extension to the shared boundary with 1 Ripon Hall Avenue. The neighbouring property has a blank side elevation running adjacent to the boundary and the only new window to the rear would be an en-suite window which would be obscurely glazed. This distance would be considered acceptable in terms of SPD 6 and it is considered that there would be no significant detrimental effect on residential amenity at that property due to the construction of the first floor side extension.
- The first floor extension would project beyond the rear elevation of no.239 to the south by approximately 2.6m. Given the site is positioned north of this neighbour and there

are no habitable room ground floor windows close to the shared boundary it is considered that there would be no seriously detrimental impact on residential amenity at this property.

- No.243 Whittingham Drive to the north would be more than a sufficient distance from the proposed single storey rear extension and pergola not to have any detrimental effect on residential amenity at that property.
- There would be around 10.2m from the single storey rear extension and pergola to the shared boundary with no.239 to the south. This distance would be acceptable in terms of SPD 6.
- In terms of SPD 6 a distance of 6.5m from an extension to a shared boundary is usually expected in order to retain privacy levels between properties and their gardens. In this instance there would be around 7.8m from the rear of the extension to the shared boundary with no.1 Ripon Hall Avenue. The extension would face towards the front garden area of the property to the rear and not directly towards the property itself or any private amenity space. There is also dense planting on both sides of the boundary between the site and no.1 Ripon Hall Avenue which would screen views to and from the new extension.
- A pergola with seating underneath would also be erected off the rear of the single storey extension, projecting 4m. The pergola and seating area would be approximately 3.8m from the shared boundary with no.1 Ripon Hall Avenue to the rear. This would be close to the north side boundary with Ripon Hall Drive and the rear corner adjacent to the front garden area of no.1 Ripon Hall Avenue. Given the existing boundary fence and heavy planting along the boundary any overlooking of the highway to the side would be minimal. Similarly, as the pergola would be around 3.8m from the shared boundary with no.1 Ripon Hall Avenue any ability to overlook land at this property would be minimal. It is noted that if there would be any views of the neighbouring property it would be towards the open front garden area only and not towards any private amenity space. Therefore it is not considered significantly detrimental enough to warrant refusal.
- At the front the existing drive way would remain providing on site parking for two to three vehicles.
- The plans show that the extensions would be built within the site boundaries and there would be no concerns regards encroachment to the north or south.

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 in terms of separation distance to the surrounding 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 to the front garden and drive. There are also no parking restrictions to the highway to the front/side and there is good access to public transport routes. In this instance then 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:

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- 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 ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03, ZT22-196-04, ZT22-196-05, ZT22-196-06 and ZT22-196-07 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 - 09/12/2022		DM	12/12/2022