

DELEGATED REPORT

Report by Steven Gunn

Date of report: 28/06/2022

Ref:68279/FUL

Russell

Registration: 31/03/2022

LDfC: 12/05/2022

Expiry Date: 26/05/2022

Site Visit: 22/04/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Increase height to create a two storey dwelling plus additional two storey build at rear; External alterations and rendered elevations, two parking spaces at front.

Location: 15 Brooklands Road, Ramsbottom, Bury, BL0 9SW

Description

The application relates to a large bungalow (including attic bedrooms and garage) on a residential street of mix of bungalows, semi's, and detached properties. The neighbour at No.13 is a detached property, while the neighbour at No.17 (slightly uphill) is a single storey dwelling. The bungalow has one ground floor bedroom and two attic bedrooms. To the rear is a small rear utility single storey outrigger. There rear has a raised patio that overlooks a large south facing garden, and the rear boundary has extensive trees and shrubbery. At the front there is one off-road parking space.

Planning permission is sought to increase the height of the bungalow from 6.13m to 8.36m, an increase of 2.23m, and effectively converting it into a two-storey dwelling. Raising the height would add another storey and have a hipped roof with gable front and rear elevations at the eastern end plus pike detailing at the front and rear elevations at the western end. The proposed extension would largely maintain the existing ground floor footprint but project out by 1.83m to accommodate a two-storey rear extension to match the line of the existing utility outrigger.

The main increase in floorspace would be on the first floor, where there a total of 5 bedrooms would be provided, and the proposed extensions would be built largely within the existing front/rear building lines on that street.

Materials would match existing, and all exterior walls would be finished in a white render. All windows on the front elevation at first floor and rear elevation would be new. There are no new side windows proposed except one corridor window (non-habitable). The front porch door would be removed therefore converting the existing secondary door into the new primary door.

There would be a substantial separation of approximately 29m to the rear boundary, although there is no new boundary treatment proposed. The front driveway would be widened to accommodate two parking spaces.

Relevant Planning History

37844 - Two storey side extension - Approved 2001

02647/E - Extension and refurbishment of existing dormer bungalow - Enquiry completed 12/10/2021

Publicity

Immediate neighbours notified by letter dated 20/05/2022 sent to 10 neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to provision of dropped kerb, driveway width, and permeable surface.

Ecologist - Requested a follow up bat survey conducted at dusk. A bat roost site was identified. A license will therefore be required from Natural England in addition to planning permission.

Pre-start Conditions

1. Further to the Bat Survey by Martin Prescott Environmental Services the local planning authority must be provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017, or
- b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.

2. A landscaping scheme should be submitted including the provision of bat bricks/tubes within the new development and bat and bird boxes.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale the roof pitch would be increased from 6.13m to 8.36m, an increase of 2.23m. As such the proposed extension comprising two floors would be generally out of keeping with the existing house, although the neighbour at No.17 is a bungalow with attic bedrooms, and No.13 is a two-storey dwelling. The applicant has submitted a streetscene showing that although the development proposal would be higher than No.17, the roof pitch would be equal to that of No.13. and its scale is therefore considered to be appropriate for this property and streetscene.

In terms of design, and appearance the proposed extension is generally in-keeping with the surrounding streetscene. The proposed extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing plus white rendering. Additionally, there would be upvc and aluminium doors and windows (colour dark grey) and a timber front door (colour Oak). These modern materials are considered to be appropriate for this type of property and location.

In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

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

In terms of overlooking and privacy to the rear, the 29m separation distance to the rear boundary from the proposed extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The proposed extension would maintain the existing ground floor footprint with the only increase in floorspace being on the first floor, and the proposed extension would not project out from the existing building line in excess of 3m, beyond which the 45-degree rule would apply.

There are no new side windows proposed except for one first floor corridor window (non-habitable), which would be conditioned to require obscure glazing. The existing ground floor office window on the west elevation is considered to be acceptable as this room is being reduced in size and would be too small to be used as a habitable room.

In terms of the general prominence and impact on daylight the extension is largely at first floor level plus the rear and due to the geographic orientation of the property the extension would have the greatest impact on the applicants own front garden in the mornings and to a lesser extent No.17's front garden in the mornings, and part of No.13's rear garden in the afternoons. The east elevation of No.17 has a few windows that are either non-habitable rooms or secondary windows, while the west elevation of No.13 has no side windows that would be affected. Therefore, it is considered that any overshadowing would not be seriously excessive above and beyond the existing situation.

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

Ecology

NPPF 2021 Section 174 states that planning policies and decisions should contribute to and enhance the natural and local environment. This is further supported by UDP policies EN6 - Conservation of the Natural Environment, and EN6/3 - Features of Ecological Value.

The applicant has submitted a Daylight bat survey dated 02/02/2022, and a subsequent Bat Survey dated 30/05/2022 (survey conducted on 29/05/2022) which concluded that "A minor Common Pipistrelle roost was found in the front dormer and a Mitigation Licence will be required (from Natural England) to legalise the offences of destroying a roost and disturbing the bats".

The bat consultant has advised that:

- the loss of the roost is very unlikely to negatively impact on the conservation status of common pipistrelle and;
- that mitigation is feasible on site, through provision of alternative bat roosting opportunities.

It is "recommended that bat mitigation proposals are conditioned to be in line with the recommendations of the Bat method statement provided by Martin Prescott Environmental Services" including appropriate replacement roosts.

Highways

The proposal would increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. Existing on-site parking provides 1 car space, and there is additional parking available on street. The proposal includes an increase in driveway width to accommodate two car-parking spaces. The existing garage would remain unchanged.

Given the situation and the fact there are no changes to parking layout other than driveway width, it is therefore considered that the proposed parking arrangements are sufficient. The extension would therefore be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the scale, sitting, and design, of this development, provided that the applicant meet the pre-commencement requirements relating to the protection of the endangered species of bats to comply with NPPF chapter 15, and UDP policies EN6, and EN6/3. Further to this the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 with associated guidance in SPD and DP Policy HT2/4 with associated guidance in SPD11.

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 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 SK100 Rev1, SK110 Rev1, and SK120 Rev1 as submitted on 09/06/2022 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 white rendering and oak wood for the front door.
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.
- 4 Before the first occupation of the extension hereby permitted the first floor corridor window on the west side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 5 The development hereby approved shall not be brought into use unless and until the car parking and bin storage arrangements and boundary alterations indicated on approved plan reference SK100 Rev1, incorporating the provision of a footway crossing extension, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the adopted highway and all associated footway remedial works required to reinstate the footway to its former condition prior to commencement of the development, have been implemented.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety.
- 6 The loss and disturbance of the front dormer is likely to cause harm to common pipistrelle bats as identified in the Bat Survey by Martin Prescott Environmental Services dated 30th May 2022 and the proposed works shall not in any circumstances commence unless the local planning authority has been provided with either:
a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan, and NPPF chapter 15 - Conserving and enhancing the natural environment.
- 7 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building is first occupied.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan, and NPPF chapter 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	28/06/2022		