

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 26/05/2022

Ref:68097/FUL

Registration: 24/02/2022

LDfC: 19/03/2022

Expiry Date: 21/04/2022

Site Visit: 01/03/2022

Site Notice: 01/03/2022

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 in roof height, First floor side extension over garage and single storey rear extension

Location: 21 Marlborough Close, Ramsbottom, Bury, BL0 9YU

Description

The application relates to a two-storey detached house with hipped roof on a residential cul-de-sac of similar properties. There is an existing conservatory extension at the rear and the neighbour at No.19 also has a single storey side extension plus conservatory extension at the rear while No.23 also has a rear conservatory extension. There is one small tree on the boundary beyond which is a public right of way.

Planning permission is sought for a first-floor side extension that would project out within the existing ground floor footprint and have a pyramid roof plus a single-storey rear extension with hipped roof to replace the conservatory. On the front elevation the existing office window would be replaced with a garage door. Materials would match existing plus white rendering and soldier brickwork for the first floor as a continuation around the house matching the existing design and wider streetscene.

There would be a separation of 9.2m from the new bedroom window to the rear boundary and 6.3m from the ground floor extension to the rear boundary although no boundary treatment is proposed.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 13/04/2022 sent to 4 (four) neighbours. Site notice posted on 01/03/2022. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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.

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 roof would be raised from 6.35m (hipped) to 7m (pyramid roof), representing an

increase of 0.65m. The applicant has submitted a streetscene to show that both adjacent dwellings are approximately 6.7m high. As such the proposed increase in roof height is not considered to be prominent feature and would have a minimal impact on the streetscene. In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Situated at the side, the proposed first floor extension is generally in-keeping with the existing house incorporating consistent design features of rendering and soldier brickwork, and would be readily visible from the public arena, while its design and scale is considered to be appropriate for this property and streetscene. The existing home office window would be replaced with a garage door of an appropriate size and design for this type of property. SPD6 normally requires side extensions to have a 1.5m set back, however the first-floor section would be set back by property by 0.45m, is already set from the shared boundary by 0.7m, any the property is part of a very short group of 4 dwellings.

Situated at the rear, the proposed single storey extension would not be readily visible from the public arena, while its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing.

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 9.2m separation distance to the rear boundary from the first-floor extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to the unattached neighbour (at No.19) as it would project by 2.82m and therefore complies with the '45-degree rule' within SPD6. The rear single storey extension would replace an existing conservatory (a non-habitable room) with an enlarged dining room, therefore creating a new habitable space within the property. This would include a side window alongside the shared boundary, which the applicant has agreed would have obscure glazing. This together with the adjacent 1.5m high fence would maintain an acceptable level of privacy as required in SPD6.

In terms of the general prominence and impact on daylight the rear extension is set off the shared side boundary by approximately 87cm and is to the south of No.19. The extension would have some impact on part of that neighbours rear garden around midday but 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.

Highways - 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, which requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 1 car space, and there is additional parking available on street. Given the situation and the fact there are no changes to parking layout, it is therefore considered that the parking arrangements are sufficient. The extension would 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 design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 with associated guidance in SPD6 and UDP 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 Drawing 2234/110 Rev:A as submitted on 20/05/2022 and Drawing 2234/110 Rev:B as submitted on 24/05/2022 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.
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 window on the north elevation of the rear single storey extension 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	26/05/2022		