

DELEGATED REPORT

Report by Amanda

Date of report: 19/10/2023

Ref:69964/FUL

Uhunmwagho

Registration: 31/08/2023

LDFC: 26/09/2023

Expiry Date: 26/10/2023

Site Visit: 27/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Erection of front/side boundary walls and rear garden fence; Single storey rear extension and front porch

Location: 2 Arbour Close, Bury, BL9 5HJ

Description

The application relates to a two storey semi-detached house which has an existing single storey extension to the side. It is attached on the north side to no.48 Plumpton Drive. The applicant has already started to develop the site meaning the application is part-retrospective as they have erected new fences to the rear and a new wall to the side and front boundaries. The garden to the rear has been partially excavated so that it is level with the dwelling and there is an area of grass to the rear which has been left at the original level.

There is only pedestrian access to the site at the front and land to the front is owned by the Council.

The proposal seeks approval for the erection of front/side boundary walls, a rear garden fence, a single storey rear extension and front porch. At the rear the fence (timber panels and concrete posts) has already been erected as well as a new retaining wall. Along the shared boundary with no.4 Arbour Close the fence measures 2.75m at its highest point on the applicant's side of the boundary. As viewed from no.4 next door the fence would measure 2m high at the highest point closest to the dwelling and around 1.72m at the end of the rear garden where the land is higher.

Along the boundary with no.48 Plumpton Drive the fence would measure 2.2m high close to the house and 1.72m towards the rear of the garden, and the fence along the rear boundary would measure around 1.7m high.

A concrete wall has been built to the side and front boundaries. It has varying heights. Along the front boundary the wall would be around 856mm at its lowest point and 1.19m and there would be pillars measuring 1.4m to 1.8m, increasing in height due to the way the land falls.

Along the south east boundary the wall would measure around 1m tall with pillars measuring around 1.27m at the front and the highest pillar further back measuring around 1.35m. The wall along the north boundary would measure around 1m closest to the property sloping down the front where the wall would measure around 1.5m. Pillars to this side would measure between 1.2m up to 1.8m high. The applicant intends to build a new section of wall to infill the large gap to the front and the walls would be finished with white coloured k-render.

At the rear the single storey extension would project a maximum of 5m from the existing rear elevation. Due the angle of the boundary it would project 3.96m along the shared boundary with no.48 Plumpton Drive to the north. It would extend across the whole of the original building and the existing single storey side extension. There would be around 2.4m to the shared boundary with no.4 next door and around 4m to the rear boundary. the roof would be flat with windows and doors to the rear elevation and a single door to the side.

Relevant Planning History

69765 - Single storey rear extension and front porch - Withdrawn - Invalid 20/07/2023

69767 - Single story rear and front porch extension - ZZZ Special deleted application 14/06/2023

23/0277 - Erection of fencing at front and in rear garden -

Publicity

6 neighbours notified on 04/09/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Conditions suggested.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

The proposed rear extension would not be visible in the public realm and therefore would not have any significant detrimental effect on the character of the existing streetscape. However, it would be built with a design and materials that would be considered acceptable on this type of dwelling. As such the rear extension would be considered acceptable in this location.

The fence which has been erected to the rear is a timber and post structure which would be common on this type of residential site. It appears very tall from within the site, but from neighbouring properties it would be an acceptable height in terms of boundary fences and as such would not cause any significant detrimental harm in terms of visual amenity at those properties.

Arbour Close is a small cul-de-sac. Boundary treatments to the front of neighbouring sites comprise of fences and planting, around 1m in height, (some lower). At its highest point along the front the wall would measure around 1.2m at its highest point, with the highest pillar being 1.8m. Although the wall would have a different finish compared to neighbouring boundaries, and it would be higher in parts, there is a large area of grassland to the front of the site which sets in back from the road to the front, resulting in a wall that would not appear significantly detrimental to the existing streetscene. The applicant could also build a wall up to 1m as permitted development. In this instance the design of the wall would be considered acceptable in this location.

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 -

- Although the fence has is much higher on site, when viewed from off site it would be no more than 2m high for the majority of the boundary. The only area it would be slightly higher is adjacent to no.48 Plumpton Drive where it measures around 2.2m high for a small section. The neighbour has not objected to the proposal. As such it is considered the fence would not have any significant detrimental effect on residential amenity at this property.
- The proposed extension would project 3.96m along the shared boundary with no.48

Plumpton Drive and would measure around 3.84m high. As the neighbour has not objected to the proposal the projection of 3.96m would be considered acceptable in terms of the larger homes scheme where a homeowner could extend upto 6m (single storey) providing there are no neighbour objections.

- There would be around 4m from the rear elevation to the rear boundary. Given that the extension would provide a new kitchen to the rear, which would be classed as a non-habitable room this distance would be acceptable in terms of SPD 6. In addition any views from the rear windows/doors would be over the applicant's own garden given the difference in land levels between the site and the neighbouring property to the rear.
- On the south side the extension would project 5m from the existing rear elevation and the side elevation would be around 2.4m away from the shared boundary with no.4 Arbour Close. There would be a single entrance door to the side. Given that no.4 has a slightly higher land level and there would be a gap from the extension to the boundary it is considered that there would not be any significant detrimental impact on residential amenity at no.4 next door.
- At the front the boundary wall is set well back from the road in front and there is an area of grassland in between. As such the wall would not have any significant detrimental effect on passing traffic on Arbour Close.
- The plans show that all of the wall and its foundations do, and will not encroach on to the pavement in front.
- The height of the wall to the front would not have any significant detrimental effect on windows at both adjacent properties.
- Currently the wall along the front boundary has a wide opening, which could suggest a new driveway would be installed on the site. However, given that there is a large area of Council owned land to the front and a telegraph pole the applicant would not be able to access the site with a vehicle. As such they have proposed to infill this area leaving to pedestrian access points only to the front. A condition would be added to the decision stating that this area must be built up within three months of the date of the decision.

Taking the above into account 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.

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 highway to the front of the site.

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 SHT 1 of 4 and SHT 2 of 4 received on 04/08/2023, revised drawing numbered SHT 4 of 4 Rev A received on 11/10/2023 and revised drawing numbered SHT 3 of 4 Rev A received on 12/10/2023 as modified by the emails from I.Planning Services dated 11/10/2023 and 12/10/2023. The development shall not be carried out except in accordance with the details 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 proposed extension hereby approved shall match those of the existing building and the front boundary walls would be finished in a white K-render.
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 Within 3 months of the date of the decision, the works to the front boundary wall shown on plan ref SHT 4 or 4 Revision A received on 11 October 2023 and all associated footway remedial works abutting the site required as a result of the construction of the wall, shall be implemented to the satisfaction of the Local Planning Authority.
Reason - To prevent the illegal crossing of the adjacent verge in the interests of highway safety and to maintain the integrity of the adopted highway pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 19/10/2023			