

## **Description**

The application relates to a two storey semi-detached property which is currently in the process of being renovated. The dwelling and garden areas are set up at a much higher level compared to Nuttall Hall Road to the front of site and there is parking for one vehicle to the front of the property, (at the road level). There is a path to the side of the property leading to the rear garden but there is also an access road to the rear of the site.

At the rear of the site work has already commenced on the foundations where the proposed extension would be built. No.5 Nuttall Hall Road to the north has an extension to the rear of the property and a garage and shed. There is a fence along the shared boundary. No.7, to the south side also has a single storey rear extension with an obscurely glazed window to the side. This property also has a garage to the rear.

The proposal is to build a two storey extension to the front and single storey rear extension, as well as fitting solar panels to the roof. At the front the two storey extension would square off the front corner of the building providing a porch at ground floor level and en-suite bathroom to the first floor. There would be a ground floor porch window to the side elevation and en-suite bathroom window to the front. The roof would be pitched and the finished materials would match the existing property.

The single storey rear extension would project 4.95m and it would measure 5m wide. The roof would be pitched with rooflights to either side. There would be bi-folding patio doors installed to the rear elevation.

The roof would be finished with blue slate to match the existing roof along with in-roof solar p.v. panels. The solar panels would not project above the roof tiles.

## **Relevant Planning History**

N/A

## **Publicity**

Neighbours notified on 20/06/2023 - No comments or objections received.

## **Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

## **Unitary Development Plan and Policies**

<SQLDCPolicyComRep>

## **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 two storey front extension would be built with materials and a design that would be considered to be in keeping with the existing building. The in-roof solar panels would not project above the roof tiles so would not be overly visible in the general streetscape. As such it would not cause any significant detrimental impact on the character of the existing streetscape.

The single storey rear extension would also be built with a design and materials that would be considered to be in keeping with the existing building. It would also be similar to rear extensions on other properties along this row of properties.

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 -**

- There are no residential properties directly to the front of the site.

- The proposed two storey front extension would not project forward of the main front elevation and the side elevation would be no closer to the side of no.9 next door. As such there would be no significant detrimental effect on residential amenity at no.9 next door.
- As the two storey extension would be built on the south side of the property this part of the proposal would have no detrimental impact on no.5, attached to the north side.
- The front extension would not interfere with the existing drive space to the front of site, which is at a lower level to the front of the dwelling.
- No.2 Maple Grove is directly to the rear of the site with several windows facing the boundary fence. However, as the rear extension would be single storey only and it would have a slightly lower ground level the separation distance between the extension and no.2 Maple Grove would be sufficient in terms of SPD 6.
- There would be around 4m from the rear elevation of the extension to the rear boundary. As such there would be sufficient garden space remaining to the rear of the property.
- The rear extension would project 4.95m from the original rear elevation, and would be adjacent to the shared boundary with no.5 next door. There would be a fence screening much of the side elevation of the extension, but the roof would be visible over the fence and is likely to have some detrimental impact on light to the rear of no.5 given that the site is south of this property. However, the neighbour has not objected to the proposal. As such the projection of 4.95m would be acceptable in terms of the larger homes scheme.
- No.9, to the south of site has a single storey rear extension and a garage adjacent to the shared boundary. As such the proposed extension would not have any significant detrimental effect on residential amenity at this property.
- The proposed solar panels would be installed in to the roof plane and would not project above the roof tiles. They would not have any significant detrimental impact on residential amenity at adjacent properties.

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 of the site.