

DELEGATED REPORT

Report by Amanda

Date of report: 25/03/2022

Ref:67961/FUL

Uhunmwagho

Registration: 21/01/2022

LDFC: 14/02/2022

Expiry Date: 18/03/2022

Site Visit: 01/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of existing garage/greenhouse and erection of two storey extension at side and rear and new front bay window; Widening of existing driveway and external landscaping works to front and rear garden

Location: 19 Tor Avenue, Tottington, Bury, BL8 4HG

Description

The application relates to a two storey detached property which has a garage attached at the side and a small greenhouse on the rear elevation. There are gardens to the front and rear of the dwelling with existing parking to the front of the site. Both adjacent properties have been extended.

The proposal is to demolish the existing garage and greenhouse and the erect a two storey extension at side and rear including a new front bay window; Widening of the existing driveway and external landscaping works to front and rear garden. At the side the extension would project 3.85m and it would have an overall length of 10.4m. At the rear the extension would project 4.24m beyond the original rear elevation and it would measure 11,29m wide. The roof would be hipped.

Relevant Planning History

N/A

Publicity

Six neighbours notified on 24/01/2022 - Two objections received to the initial plans submitted. A summary of their comments are listed below:-

- The hard landscaping to the front of the property would be excessive and not in-keeping with the other properties on Tor Avenue. There needs to be some garden area.
- The proposed low boundary wall and proposed horizontal car parking would be unsightly and would resemble a car park.
- Turning most of the front garden in to parking would have an impact on the environment. There would be an impact on the amount of water running off from the back garden and could cause flooding.
- A two storey extension to the side would eliminate the open aspect that properties on Tor Avenue have, as it would be so close to No. 21. A single storey extension to the side of the property using the original garage space would be more appropriate.
- Other properties along Tor Avenue have been extended in recent years but there is still a consistency of design to the dwellings on the application side of Tor Avenue. One of those consistencies is the gaps in between the properties and green, planted front gardens. They feel the two storey side extension would lead to terracing with the adjacent neighbour and a single storey side extension may be more acceptable.
- The proposed car parking to the front would lead to a very engineered and harsh front

- garden which would be at odds with the existing front gardens along Tor Avenue.
- One neighbour also stated that it is assumed that the upper parts of the elevation would be rendered to match next door. Windows and doors should be grey please to match others. A landscaping condition is needed but car parking needs to be sorted first.

Following discussion with a senior planning officer and the Highways officer it was agreed that the parking arrangements initially proposed would not be acceptable. As such revised plans were requested. Following much discussion with the agent a final revised plan was submitted. Although neighbours were not notified of the amendments one neighbour did respond with further comments. Their comments are shown below.

- In respect of the amended plans which now show a reduced car parking area and more garden to the front - should the LPA be minded to grant planning permission please would you include conditions that require the garden area to be grassed over / landscaped and thereafter retained as a garden and at no time be hard surfaced - and to be provided prior to first occupation / use of the extension. Please would you also control materials including windows, brick, colour of render, roofing material, external doors and driveway and ensure that they are thereafter retained as approved. All of this will maintain a high quality design and finish to the street. Thank you.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to the revised plans received on 08/03/2022. The Highways officer has advised that 2 conditions should be added to the decision along with four informatives.

Pre-start Conditions - The agent has agreed with the pre-start condition via email on 22/03/2022.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations
SPD6 Supplementary Planning Document 6: Alterations & Extensions
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.

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 extension would be built with materials and a design that would be considered in keeping with the existing building. The walls would be finished with red brick to the ground floor and a light champagne render (or similar) to the first floor. The application form states that windows to the front would be white UPVc to the front, to match the existing windows on the dwelling and the bay windows to the front would be considered in-keeping with the style of the building.

Other windows to the side and rear elevations would be sprayed Anthracite Grey and the new front door would have a light grey finish. These windows would not be openly visible in the street scene to the front of site. There are different styles of homes along Tor Avenue including bungalows and two storey dwellings. The proposed extended property would not appear out of keeping in the existing street scene.

With regards to the proposed landscaping to the front of the site and new boundary wall/fence and gate the revised landscaping plan received on 08/03/2022 shows that the boundary wall and gate would be no more than 1m in height, there would be low level shrubbery to part of the front and side boundaries as well as in front of the dwelling and part of the lawn would remain. This would ensure that some of the soft landscaping to the front of the site would be retained, which is a common feature along Tor Avenue.

The new patio area to the rear of the dwelling would not be visible from the streetscene at the front.

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 and rear of the site would be well over 20m from where the proposed extension would be built.
- There would be around 19m from the rear elevation of the extension to the rear site boundary and around 9m to the front. These distance would be inline with the requirements as set out in SPD 6.
- There would be no new windows installed to the south elevation and the side wall of the extension would not be any closer to the shared boundary with no.17 than the existing side elevation of the dwelling.
- To the north there would be one external door installed to the side elevation and no windows at ground or first floor levels and a 1.5m gap from the side of the extension to the shared boundary with no.21 would be retained. As such there would be no significant detrimental impact on residential amenity at this property.
- The new patio area to the rear of the dwelling would be built at the same ground level as the property with one central step up to the garden at the rear. The new patio area would not have any significant detrimental impact on residential amenity at either of the adjacent properties and their gardens.
- The overall height of the front boundary wall, fence panels, piers and the gate would be no more than 1m in height and the proposed section on drawing numbered TOR-RALA-ZZ-XX-DR-A-(PL)-0022_P04 shows that the wall and gate would not encroach on to the adjacent highway in front. Taking this in to account this part of the development could be constructed under Permitted Development rules and as such there would be no reason to refuse it.

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 -

As the extension would result in the number of bedrooms at the property being increased from 2 to 4 and the existing garage would be removed from the site. As such parking within the site needs to be addressed. The revised site plan received on 08/03/2022 shows that the existing access and dropped kerb would be widened to the south by around 1.35m and the access to the site widened by around 2.39m. This would be inline with the requirements from the Highways officer.

Two parking spaces would be available within the site and there are no parking restrictions to the highway in front. The property is also within walking distance of a local bus route. With this in mind the proposed parking arrangements within the site would be considered acceptable in this instance.

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:

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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 TOR-RALA-ZZ-XX-DR-A-(PL)-0001_P01, TOR-RALA-ZZ-XX-DR-A-(PL)-0002_P02, TOR-RALA-ZZ-XX-DR-A-(PL)-0003_P00 and TOR-RALA-ZZ-XX-DR-A-(PL)-0015_P01 received on 10/01/2022, drawings numbered TOR-RALA-ZZ-XX-DR-A-(PL)-0000_P01 and TOR-RALA-ZZ-XX-DR-A-(PL)-0023_P01 received on 22/02/2022 and drawings numbered TOR-RALA-ZZ-XX-DR-A-(PL)-0022_P04 and TOR-RALA-ZZ-XX-DR-A-(PL)-0024_P00 received on 08/03/2022 as modified by the emails from Miss Rachel Baldwin. 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 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 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason : To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties and Supplementary Planning Document 11 - Parking Standards in Bury.
- 5 The development hereby approved shall not be brought into use unless and until the car parking, driveway and boundary wall alterations and bin storage arrangements indicated on approved plan reference TOR-RALA-ZZ-XX-DR-A-(PL)-0022 Revision P04, incorporating the extension of the existing footway crossing, boundary walls with foundations that do not encroach under the adjacent adopted highway, sliding vehicular gate, 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 in the interests of road safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties and Supplementary Planning Document 11 - Parking Standards in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 25/04/2022			

