

DELEGATED REPORT**Report by** Helen**Date of report:** 15/10/2020**Ref:**65884/FUL

Goldsbrough

Registration: 26/08/2020**LDfC:** 28/09/2020**Expiry Date:** 21/10/2020**Site Visit:** 16/09/2020**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:** MIOT

Proposal: Variation of condition no. 2 (approved plans) and no. 3 (external finishing materials) of planning permission 64666 (single storey extensions, glazed porch, ramped access and landscaping) to allow for revised materials and changes to the fenestration including: amendments to the style of the windows in the north elevation; the addition of an ensuite window in the north elevation; reduced windows in the east elevation; removal of the kitchen window from the south elevation; additional kitchen window to the west elevation and a flat roof and roof lantern above the extension on the west elevation.

Location: 22 Mile Lane, Bury, BL8 2JE

Description

The application relates to a detached bungalow located on Mile Lane. The premises is L shaped with an attached garage and has gardens to the front, sides and rear. The bungalow is accessed off a drive that runs between 18 & 24 Mile Lane and bounded by properties along Mile Lane to the west side, Wheelton Close to the north side and Newington Drive to the south. The premises appears to have existing single storey additions to the west elevation.

Planning permission has been granted under application 64666 for the demolition of the existing garage and for the construction of single storey extension that would project approximately 14040mm to the side of the dwelling. It is proposed to construct a porch addition to the south elevation that projects approximately 2100mm. To the west elevation it is proposed to demolish one of the existing single storey additions and construct a new single storey extension that projects approximately 3750 mm.

This application seeks a variation of condition no. 2 (approved plans) and no. 3 (external finishing materials) of planning permission 64666 (single storey extensions, glazed porch, ramped access and landscaping) to allow for the proposed revised materials. The variation of the approved plans also show:

- Amendments to the style of the windows on the east elevation of the extension, and the inclusion of an additional ensuite window to this elevation.
- Removal of an ensuite window to the south elevations
- Reduction in the size of the window for the therapy room in the south elevation
- Removal of the kitchen window in the proposed south elevations
- Introduction of a new kitchen window in the west elevation
- Amendments to the roof of the kitchen/west elevation to show a flat roof within roof lantern

Relevant Planning History

02177/E - Proposed extensions and adaptations to form reconfigured and extended ground floor layout plus new first floor level - Enquiry completed 31/08/2018

63317 - Raise ridge height of roof of existing bungalow to form two storey dwelling including dormers; single storey extension at rear - Approve with Conditions 06/11/2018

64666 - Demolition of existing garage/utility room and replacement with single storey extensions, glazed porch, ramped access and landscaping - Approve with Conditions 17/10/2019

Publicity

Neighbour letters sent 07/09/2020. No written representations received. One phonecall received in relation to trees on the boundary and message forwarded to agent but no response received.

Following an amendment to the description of development further neighbour letters sent: No representations received. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

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 victimization;

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

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 dwelling is sited to the rear of Mile Lane, and is bounded by dwellings to all sides. The proposals would involve the removal of existing flat roof additions and the construction of new pitched roof additions. The proposed additions would have pitched gable roofs, and would maintain the L shape of the original bungalow reflecting the character of the existing dwellings. The amended location of the proposed windows and doors are considered to be suitably aligned. The existing dwelling is constructed from a number of different materials and the use of stone masonry is considered to be acceptable.

Whilst the ridge of the proposed single storey extension to the east elevation would be higher than the ridge of the main dwelling, it is considered that the additions would not overwhelm the dwelling or result in over development of the associated residential amenity space.

The site is bounded by residential properties on all sides and as such not highly visible from the surrounding streets. Whilst flat roofs should be avoided in prominent positions the amendments to the roof of the kitchen/west elevation to show a flat roof within roof lantern above the proposed extension are considered to be acceptable in this screened location. The amended windows on several of the elevations are considered to be suitably aligned when viewed in relation to the existing window arrangement and would not detract from the character of the dwelling.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- All proposed glazing would be located at ground floor level
- Due to the nature of roof lanterns no overlooking foreseen.
- Proposed windows and porch glazing facing towards the rear boundaries of the properties on Mile Lane would be screened by existing boundary treatments.
- Whilst 3 of the proposed windows on the elevation facing towards the boundary with Seddons Farm would be habitable room windows (2 no. bedrooms and 1 no. carer's room) these would be screened by the existing fencing and would face towards the drive and side elevation of this dwelling rather than directly facing principal habitable room windows. 2 further non-habitable room windows (ensuite) would also be located on this elevation. As such these windows are considered to be acceptable.

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- Proposed glazing on the elevation facing towards the boundary with No. 100 and No. 102 Newington Drive would be screened by existing boundary treatments and would relate to a non-habitable room (therapy room).
- Glazing along the elevation facing towards No. 20 Wheelton Close would be screened by existing boundary treatments.
- Proposed single storey extension would be located approximately 14 metres from the rear elevation of No. 100 Newington Drive exceeding the 6.5 metres required by SPD 6
- Proposed single storey extension would not project more than 3 metres beyond the principal front elevation of the dwelling at Seddon's Farm.
- Proposed single storey extension would be located adjacent to the garage of the dwelling at Seddon's Farm and is therefore considered to be acceptable
- Proposed single storey extension would be located approximately 15 metres from the rear of No. 20 Wheelton Close exceeding the 6.5 metres required by SPD 6
- Proposed single storey extension, and glazed porch extension would be located approximately 30.5 metres from the rear of No. 16 Mile Lane exceeding the 6.5 metres required by SPD 6.
- Proposed single storey extension, and glazed porch extension would be located approximately 33 metres from the rear of No. 14 Mile Lane exceeding the 6.5 metres required by SPD 6.

Other Considerations

SPD 6 sets out guidelines in relation to supplementary family annexes. This guidance states that annexes:

- should normally be physically connected to the main property with a direct interior link;
- should remain ancillary to the original dwelling at all times;
- should not have separate vehicular access; and
- should only have one bedroom.

The proposed extension seeks to add an annexe with a bedroom, lounge, kitchen, therapy room and carer's room. The proposal would be directly linked to the main property with level access provided through the new glazed porch. Whilst there would be two bedrooms, one is for a carer to live on site and the proposal would remain ancillary to the existing property. A single vehicular access would be maintained. It is considered that the proposed access would be acceptable.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 11322-AEW-XX-SI-DR-A-501 Rev P1, 11322-AEW-XX-SI-DR-A-0502 Rev P1, 11322-AEW-XX-00-DR-A-0503 Rev P1, 11322-AEW-XX-XX-DR-A-0504 Rev P1, 11322-AEW-XX-SI-DR-A-0511 Rev P1, 11322-AEW-XX-SI-DR-A-0512 Rev C3, P1, 11322-AEW-XX-00-DR-A-0513 Rev P4, 11322-AEW-XX-XX-DR-A-0514 Rev P4 and the development shall not be

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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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	15/10/2020	Dave Marno	19/10/2020