

DELEGATED REPORT

Report by Mo Warsame	Date of report: 09/02/2023	Ref: 69130/FUL
Registration: 20/12/2022	LDfC: 18/01/2023	Expiry Date: 14/02/2023
Site Visit: 06/01/2023	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear and loft conversion with rear dormer

Location: 42 Wellington Road, Bury, BL9 9BQ

Description

The property is a two-storey end of terrace dwelling. At the rear there is a yard and gate for pedestrian access at the rear. No. 44 Wellington Road (attached) and No. 40 Wellington Road are on either side of the property. A sufficient distance exists between the site and the properties to the rear as they are separated by a back street.

Planning permission is sought for a single storey rear extension and a dormer to the rear. The single storey extension would project to the rear-end of the site, measuring approximately 7.3 metres from the principle rear elevation and run 3.6 metres to the side. The proposed rear dormer would be built on the existing footprint of the roof accommodate two additional bedrooms and a bathroom. The single storey extension would facilitate a kitchen extension and a wet room. The development would have a flat roof over the proposed dormer and pitched roof the single storey extension. The proposal would also utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letter sent on 22/12/2022. One objection received.

Comments

Following concerns relating to:

1. Plumbing/drainage/sewage issues
2. The impact an erection of a front porch would cause
3. Development would not be keeping with the appearances of the area
4. Loss of daylight/Sunlight

Statutory/Non-Statutory Consultations

United Utilities (Water and waste)

No comment

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT6/1	Pedestrian and Cyclist Movement

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 proposed dormer at the rear would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The design would not over dominate the character of the original dwelling and would be similar to number of dormers within this area. The proposed extension would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6

The single storey extension would be built on the rear elevation of the property and as such would not be visible from the street scene at the front. However, the proposed single storey extension would be visible from the back Street, and it is noted that there are a number of single storey extensions and out buildings visible to the rear of properties within the immediate street scene. It is considered that the proposal would not be intrusive feature within the street scene or to the visual amenity of the area.

The Council policy in H2/3 and SPD6 considers that development management is keen to ensure that enough private garden space is left after any extensions in order to avoid over-development of the site. Any proposals should not therefore significantly reduce the amount of usable amenity space for the property to an unacceptable degree. Whilst the proposed development would reduce the private amenity space, it is considered that this space would be sufficient, and would be a suitable or usable amenity space for the property.

It is therefore considered that the proposed extension would not lead to an insufficient amount of usable amenity space, and would therefore not be detrimental to the character of the street scene and as such would 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.

- In terms of overlooking and privacy, there would be no new habitable windows proposed on the single storey extension facing the attached neighbour (No.44 Wellington Road). There would be proposed windows on the opposite side facing towards neighbour (No.40 Wellington Road). However, this would be acceptable as there would be a sufficient distance to this property and separated by a highway. Furthermore, the proposed windows would be shaded by the high fencing/walls on the either side of the highway.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 7.3 metres along the shared boundary would be acceptable. Whilst this may seem excessive it would be considered acceptable considering the existing garage on the attached neighbour runs and along the shared boundary and would therefore shade the proposed development.
- The proposed dormer extension would be built entirely on the existing footprint of the property. The proposed dormer would not have windows to the sides. Furthermore, number of properties within this street have similar development approved. Therefore, the proposed rear dormer extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways

The proposal will result in two additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Refuse Storage

SPD 6 states that due to the increase of bins required to be stored at a dwellings, extensions and alterations should take account of refuse storage where appropriate. In addition to this Policy HT6/1 seeks to ensure pedestrians can move safely and conveniently. The proposal would not lead to being inadequate space to the rear of the dwelling for the storage of bins.

Response to Objection

The report have addressed the main concerns of this neighbour. There would not be any significant detrimental impact on the neighbouring properties. Furthermore, there would no proposed front porch. Overall, the above assessment above has highlighted that there would not be adverse impacts and addressed the concerns of the objections.

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 SHT 1 of 2, SHT 1a of 2, SHT 2 of 2 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	09/02/2023		