

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/01/2022	Ref: 67689/FUL
Registration: 23/11/2021	LDFC: 16/12/2021	Expiry Date: 18/01/2022
Site Visit: 21/12/2021	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two/single storey extension at front, first floor extensions at rear with juliet balconies and external alterations

Location: 5 Trimmingham Drive, Bury, BL8 1HA

Description

The property is a two storey detached house located on a residential estate. It has been previously extended single and two storey. To the front is garden and a drive and a path to each side of the house leads round to a patio at the rear raised from the lawn. The garden slopes down and the bottom section of the site is within the Green Belt, as are all the other properties along this row. The adjacent property to the north side is 2 Thornham Close, a detached house extended with a conservatory at the rear. 7 Trimmingham Drive is to the opposite side and extended two storey up to the site boundary. There are no properties directly to the rear.

The application includes extending out the lounge at the front by 1.35m to bring it level to the existing porch/garage elevation. Above the porch a first floor 1.35m deep and 3m across would extend an existing bedroom. To the rear first floor extensions would be constructed to the single storey sections that are to either side of an existing two storey and form two bedrooms.

Relevant Planning History

65235 - Single storey front extension; First floor rear extension - Withdrawn 02/03/2020.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
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 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 and design - The proposed two storey front extension would have a dual pitched roof forming a front gable and be located to the entrance area. At 1.35m deep it would not project excessively. The adjacent single storey would be a monopitch roof with bringing the frontage level. Materials would be brick to the single storey and the two storey section in feature dark grey tiling. To the rear the existing two storey section would be redesigned and the new first floor extensions incorporated to form two gables. The rear elevation would have patio doors and a utility window and at first floor two juliette balcony windows. Materials would be brown/beige brickwork for the extensions and this would also replace existing areas of brick. The roof would be in dark grey roof tiles.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 4 to 5 with two existing bedrooms being enlarged. SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a

maximum of 3 parking spaces. The site as existing has a drive 5m in length and 5m wide and this accommodates 2 vehicles. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

The garage would be reduced internally to form a store. The length of the drive at 5m would normally require a roller shutter type however as the drive is existing and the garage would not be of a size to fit a car no condition is considered necessary.

Residential amenity - The proposed single storey at the front would project only 1.35m to the side to 7 Trimmingham Drive which has an integral garage adjacent. The proposed two storey at the front would not be located in close proximity to either adjacent neighbouring properties.

The neighbouring property to the north side, 2 Thornham Close, is extended at the rear with a conservatory and the proposed first floor to the rear would not encroach a 45 degree line from the mid point of the closest first floor rear window. The side elevation would have one small wc window noted to be obscure glazed. The ground floor has two small windows as existing that face the blank side to No.2.

To the opposite side 7 Trimmingham Drive is extended two storey at the side up to the boundary and the proposed first floor would extend to be around level.

There would be a distance in excess of 7m from the proposed first floor rear windows to the boundary and there are no properties directly at the rear.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 1, 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.

<u>Case Officer</u> JL	<u>Date</u> 27/01/22	<u>Sign off Officer</u>	<u>Date</u>
---------------------------	-------------------------	-------------------------	-------------

