

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/10/2022	Ref: 68803/FUL
Registration: 19/08/2022	LDfC: 05/10/2022	Expiry Date: 14/10/2022
Site Visit: 10/10/2022	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: Single storey front extension; Single storey rear extension

Location: 118 Sunny Bank Road, Bury, BL9 8LJ

Description

The property is a two storey detached house with garden and drive to the front. To the rear it has a fenced garden and there is a small detached brick store to the west side boundary. The neighbouring property to the west side is No.116. It is at a slightly higher level and extended single storey at the side/rear. Further along the garden it has a detached garage. To the opposite side No.120 is at a lower level and deeper than the site at the rear. Along the boundary it has a detached garage. To the rear the site borders the rear garden to 11 Cartmel Close and the house is at a lower level.

The application includes extending 1.4m deep at the front to extend the lounge and provide a ground floor bedroom with the integral garage converted. The front elevation would have a canopy across with 4 supporting pillars. The plans note the whole of the front elevation to be rendered white. To the rear a single storey would come out 5m deep to form a dining room and orangery.

Relevant Planning History

None.

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

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 front extension would not project excessively and would have a monopitch roof incorporating a canopy with white pillars supporting. The whole of the front elevation would be rendered white. Render is a common domestic finish on the estate.

To the rear the single storey rear extension would have a dual pitched roof. Materials would be brick and roof tiles to match the existing.

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 add a ground floor bedroom, no first floor plans are provided. SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. A 4 bed property can require a maximum of 3 parking spaces. The site as existing has a drive to the front 4.6m wide and garden where there may be potential for further parking should the applicant require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient. Following the front extension with canopy and pillars there would be a drive length of 5.7m from the extension and 5m in front of the pillars. As 5m is the minimum a condition is added.

Residential amenity - In relation to the adjacent No.116 the proposed extension would be at a lower level and project approximately 3.4m from the extension to this neighbouring property. The main rear windows to No.116 would not see any significant impact. A further material consideration is the larger homes scheme which could allow a deeper extension where no neighbour objection is received. None have been received in this case. The proposed extension would have a bathroom window to the existing side elevation and a door to the extension. No.116 is higher and blank wall along the side therefore there would be no privacy issues.

To the opposite side to No.120 the single storey would not encroach the 45 degree line from the mid point of the closest window to the rear elevation. There would be two windows to the side of the proposal and as the site is higher they are noted to be obscure glazed and a condition for them to remain as such is added.

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 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:

- 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 1a of 2, SHT 1 of 2, SHT 2 of 2 Rev A 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 Before the first occupation of the extensions hereby permitted the windows to the east side elevation of the single storey rear extension shall, as noted on the approved plan, be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 A minimum hardstanding of 5m measured between the highway boundary and the pillars to the front extension shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.

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Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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>
JL	28/10/22		