

DELEGATED REPORT

Report by Mo Warsame	Date of report: 09/10/2024	Ref: 70970/FUL
Registration: 08/08/2024	LDfC: 22/08/2024	Expiry Date: 03/10/2024
Site Visit:	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: Demolition of existing conservatory; Single storey rear extension, Garage conversion to include pitch roof; Extension to existing vehicular crossing; Air Conditioning unit on side elevation

Location: 29 Hathaway Road, Bury, BL9 8EG

Description

A detached property located in street with different style properties. The premises has a garden and a drive leading to an attached garage to the front and a larger garden to the rear.

The proposal is for a single storey rear extension following the demolition of the existing conservatory. The proposal also include the conversion of the existing garage to habitable along with alteration of its roof from flat to pitched. There would also be new proposed side window(s) on the existing property. The single storey rear extension would have a pitched roof with rooflights. The height to the ridge would be 3.8 metres and to the eaves 2.6 metres. The extension would project 5.5m along the shared boundary side with No.31. On the opposite side, the extension would project 4.49m along the shared boundary with No.27. On this side, the extension would have a setback of nearly 2m from the shared side boundary. The proposed materials would match the existing and the development would accommodate a kitchen, living room along with a new bathroom and a study via the conversion of the garage.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions

N/A

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), the adopted Places for

Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - 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 rear extension would be a simple and unobtrusive design that would not overwhelm the dwelling. The proposed doors and windows would align with the existing which would be acceptable. Moreover, the extension would be constructed to match the existing dwelling and it would be located at the rear and would not be visible in the street scene.

The conversion of existing garage to living accommodation would also be acceptable as it could be realised under permitted development. This part of the development would also include the alteration of the garage's roof from flat roof to pitched to replicate the style and shape of the main house.

Overall, the proposed development would not have a detrimental impact upon the character of the dwelling and would not be a prominent feature in the street scene. Therefore, the proposed development would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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

- The proposed single storey rear extension would project 5.5m on one side along the shared side boundary and 4.49m along the other side. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected, it would be considered acceptable. Additionally, there would be sufficient distance to the rear boundary and properties beyond. The development would not encroach the 45° rule when taken from the adjacent neighbouring properties. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.
- The proposed side window facing the adjacent neighbour (No.31) would be condition to be obscure glazed. There would be sufficient setback distance between the proposed side windows on the opposite side and the shared site boundary with No.27.

Overall, there would be serious impact on amenities of the adjacent neighbouring properties. The proposal therefore not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal will result in no additional bedroom and the changes to the existing parking would be minimal. The parking at its current condition meets the maximum parking requirements.

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 007, 008, 009, 010, 011 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 and Places for Everyone Joint Development Plan listed.
- 3 The revised access arrangements indicated on the approved plans, incorporating the provision of a footway crossing extension to extents to be agreed on site with the Highway Authority, demarcation of the limits of the adopted highway, extended hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development and following removal of the affected boundary treatment, shall be implemented to the satisfaction of the Local Planning Authority prior to the extended driveway and development hereby approved being brought into use.
Reason: To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety.
- 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 highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety.
- 5 Before the first occupation of the extension hereby permitted the proposed ground floor side window on the existing property shall 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	09/10/2024	DM -	10/10/2024