

DELEGATED REPORT

Report by Mo Warsame	Date of report: 15/10/2024	Ref: 71026/FUL
Registration: 05/08/2024	LDFC: 02/09/2024	Expiry Date: 30/09/2024
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: Two storey side/rear extension; Single storey rear extension with steps into rear garden; Single storey front extension

Location: 12 Rhiwlas Drive, Bury, BL9 9DD

Description

A two storey semi-detached property within a primarily residential area with similar style houses. There is a highway at the front for access. The boundaries between the neighbouring properties are separated by timber fence panels and both neighbouring adjacent properties have extended with rear extensions. The premises has a drive to the front and a garden to the rear.

Planning permission is sought for a two storey side/rear extension, a single storey front extension and single storey rear extension with steps into rear garden. The two storey element would project 2m to the side and run 3m beyond the principal rear elevation. This element would have a setback of 1.2m on the first floor and a further setback of 0.15m from the shared side boundary. The proposed single storey front extension would project 1.35m beyond the principal front elevation and run 5.1m to the side. The proposed single storey rear extension would extend 4.5m to the rear run the entire width of the property. The proposal would have pitched roofs above all extensions, utilise the use of matching materials and accommodate a new entrance hall, bathroom and open plan kitchen/diner on the first floor. The development would also facilitate two additional bedroom on the first floor.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

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.

SPD 6 seeks to retain a minimum setback gap of 1.5 metres on the first floors of two storey side extensions. This has not been provided. However, a setback distance of 1.2m has been provided between the proposed first-floor and the principal front elevation. There would also be a further 0.15m setck between the proposed development and the shared side boundary. This would equate to a total setback distance of 1.35m which would be

considered acceptable in this setting as number of properties within this street has various setback distances. Therefore, the proposed development would not lead to unnecessary terracing effect.

The proposed two storey side extension would have a pitched roof, effectively replicating the shape and style of the original and neighbouring properties.

The proposed single storey rear extension would be modest structure that would not be visible on the street scene at the front. It would have a proposed lean to style roof that would tie in with the existing property. The proposed windows would be suitably aligned, and the use of matching materials is acceptable. The proposed front porch extension would also be modest structure that would complement the character of the dwelling and the street scene. The proposed extensions would not overwhelm the dwelling or result in over development of the associated residential amenity space.

In this instance 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.

- The proposed single storey rear extension would be screened by existing boundary treatments.
- There would be no proposed side windows facing towards the adjacent properties except for the side window from the proposed ground floor bathroom. However, this window would be conditioned to be obscure glazed up to 1.7m high.
- Proposed first floor rear bedroom window would be located approximately 10 metres from the directly facing rear boundary exceeding the 7 metres required by SPD 6.
- The proposed single storey rear extension would project 4.5m along the shared side boundary. 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 front extension would be single storey only and would be modest in scale. The front elevation would remain over 20m from dwellings in front and it would not interfere with the current parking arrangement.

Highways

The proposal will result in two additional bedrooms but there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet 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 the amended drawings received on 10/10/2024 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 Before the first occupation of the extension hereby permitted the proposed ground floor window at the side shall be fitted with obscured glazing up to 1.7m 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	15/10/2024	DM - 15/10/2024	