

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/11/2024	Ref: 71091/FUL
Registration: 13/09/2024	LDfC: 11/10/2024	Expiry Date: 08/11/2024
Site Visit: 01/11/2024 13:00:00	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage and erection of two storey extension at front side and rear; single storey front extension; first floor rear extensions; first floor front extension and full height window to first floor front elevation

Location: 20 Birch Lea Close, Bury, BL9 9RZ

Description

The application relates to a detached, dormer bungalow on a cul-de-sac of similar styled properties. The site has gardens to the front and rear. The site is bounded by detached bungalows on all sides, and the Bury FC football ground is located nearby. The immediate adjacent neighbours are No.18 and No.22 Birch-Lea Close.

Planning permission is sought for the the demolition of existing garage and erection of two storey extension at front side and rear along with single storey front extension; first floor rear extensions; first floor front extension and full height window to first floor front elevation.

Following the demolition of the existing garage, the proposed two storey front/side/rear extension would project 3.25m to the front, 4.6m to the side and would run flush with the principal rear elevation. The single storey front extension would also project 3.25m from the principal front elevation run to the side before connecting to the two storey front/side/rear extension. The first floor front element would project 0.6m to front and 0.8m to the side, effectively connecting to the the proposed two storey front/side/rear extension on the first floor. The first floor rear elements would extend to the principal rear elevation and adjoin the two storey front/side/rear extension to the side. Note this element would also not project beyond the principal rear elevation. The development would accommodate a new entrance hall and new reception along with the extension of the existing living areas on the ground floor. On the first floor, the development would facilitate a storage area and two additional bedrooms, one with ensuite bathroom. The extensions would have pitched roof and would be finished in white render and wood coloured cladding boards.

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

EN1/2 Townscape and Built Design

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

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.

Situated in the front, side and rear the proposed development would be visible from the street scene. The rear elements would be rectangular extensions with modest scale and simple design. As such this part of the proposal would be acceptable. However, The proposed two storey front/side/rear extension and the single storey front extension would have obtrusive design that would appear over dominant. This would detract from the character of the dwelling, especially considering the proposed white render finish to all four elevations. As such, the proposal would have seriously detrimental effect on visual amenity in this area.

Overall, the development would be neither appropriate to, nor sympathetic with the existing structure, and would be seriously detrimental to the visual amenity of the area due to its scale, design and materials

The design of the proposal is therefore considered unacceptable in this location as it would be a prominent feature in the street scene and would not comply with Policies EN1/2, 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 front extensions would project beyond the front elevations of the adjacent properties. However, the proposed side windows would be obscure glazed.
- The front elevation would remain modest distance from other dwellings to the front of site and it would not have a sufficient impact on the current parking arrangement.
- The proposed first floor rear elements would be modest and would not cause any privacy or outlook implications.

As such, 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 not result in major 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 proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its scale, position, design and materials, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) EN1/2, H2/3 of the Bury Unitary Development Plan and SPD6 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	06/11/2024		