

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/09/2023	Ref: 69693/FUL
Registration: 29/05/2023	LDfC: 29/06/2023	Expiry Date: 24/07/2023
Site Visit: 12/09/2023	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 extension at rear

Location: 20 Parkstone Close, Bury, BL8 2UR

Description

The property is a two-storey detached red brick house located on a residential estate of similar styled properties. It has an open plan garden to the front with a drive at the side. The detached garage at the side is being converted to additional living accommodation along with the construction of a single storey extension at the rear following the approval of planning permission for extensions under application 68394.

Properties along this part of the road are staggered with No.18 set forward of No.20 which set slightly forward of No.22 on the west side. No.18 has a conservatory on the rear and stairwell window at first floor. No.22 is a detached house with a blank wall to the site side and to the rear, it is extended with a conservatory. To the rear, the garden borders the rear garden to 74 Haslam Hey Close which is set down slightly.

Planning permission is sought for a single storey extension/conservatory running across the garden from the rear of the rear extension. The proposed conservatory would measure 4.4m by 3.4m and would link into the side of the previously approved rear extension adjacent to the western boundary. There would be a gap of 1.8m (approx) to the rear elevation of the main house. There would be a gap of 3.5m to the shared side garden boundary with No.18 Parkstone to the east.

The initial proposal included widening of the drive but this has been omitted from the proposal.

Relevant Planning History

68394 - Single storey extension at rear; Front porch - Approve with Conditions 04/08/2022
23/0289 - Not being built in accordance with approved plans of planning application 68394

Publicity

Neighbour letters dated 08/06/2023. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to revised plan subject to conditions 3 and 4.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD11	Parking Standards in Bury
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

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 to the rear, the proposed conservatory would not be visible from the street scene and as such, would not be a prominent feature in the street scene. It would be a simple and unobtrusive design, which would not detract from the character of the dwelling.

The proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Parking

There would be space for two cars on the driveway and this is considered to be acceptable. The revised plan (RAD/2630/23/3/RevA) indicates a dropped kerb requested by the highway engineer.

Residential Amenity

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

In terms of overlooking and privacy, the proposed conservatory would be tucked in behind the existing garage and would therefore not be visible to the neighbour at No.22. Furthermore, there would be sufficient distance to the shared boundary on the opposite side and the property to the rear.

There would remain an acceptable amount of outdoor private amenity space.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties and no objections have been received relating to this particular proposal. 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.

Site visits - Two separate site visits have been undertaken by two planning officers, the first on 22/08/2023 and the second on the 12/09/2023.

Enforcement - Concerns were raised that the previously approved scheme to extend the property were not being adhered to. The builder apparently was not working to the approved plans and therefore there was an issue that needed resolving, particularly with the roof over the side extension. Whilst this proposal is a separate issue to the previous proposal, it appears that the previously approved extensions are being corrected.

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 RAD/2630/23/3/RevA 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 The amended parking arrangements indicated on approved plan reference RAD/2630/23/3 Revision A, incorporating the retention of the existing footway crossing and two parking spaces in tandem, shall be implemented to the satisfaction of the Local Planning Authority before the extension hereby approved is brought into use.

Reasons: 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 pursuant to UDP Policy H2/3 Extensions and Alterations and guidance in SPD6.

- 4 Storage of construction materials shall be kept within the curtilage of the site to the satisfaction of the Local Planning Authority and the storage area retained for that purpose for the duration of the construction period.

Reasons: 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 pursuant to UDP Policy H2/3 Extensions and Alterations and guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/09/2023		