

DELEGATED REPORT

Report by Amanda

Date of report: 07/04/2025

Ref:71434/FUL

Uhunmwagho

Registration: 11/12/2024

LDfC: 28/01/2025

Expiry Date: 05/02/2025

Site Visit: 15/01/2025

Site Notice: N/A

Press Date: N/A

Objections: 4

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor side extension, part two/part single storey rear extension and dropped kerb

Location: 2 Arundel Close, Bury, BL8 1YB

Description

The application relates to a two storey, previously extended two storey detached dwelling. At the front of the site there is a small garden area and drive for one vehicle. To the rear of the property there is a large garden with fences to all boundaries. There is an existing flat roof two storey side extension to the side/rear.

The rear garden is a good size and there are two mature trees to the rear boundary. No.4 Arundel Close next door is a two storey detached house, and there are two storey detached houses on Rudgwick Drive to the east and northeast. These properties have been previously extended. No.1 Willingdon Close to the rear is a detached bungalow.

The proposal is to add a first floor side extension and a part single/part two storey rear extension. The existing drive to the front would also be relocated to the opposite side of the site and a new dropped kerb would be constructed for access. The existing dropped kerb is to be reinstated.

The proposed first floor extension would be built directly in front of the existing two storey side extension and it would be built flush with the existing front elevation. The roof to the new extension and the existing two storey flat roof extension would be hipped. This part of the extension would provide a bedroom to the front, a bedroom/study to the rear and a bathroom in between.

At the rear the ground floor extension would project 7.5m from the original rear elevation and it would extend across the whole width of the building. The extension would provide a kitchen, living and dining areas and the roof would be pitched with 4 rooflights.

The first floor rear elevation would be to the west side of the extension. It would project around 4.7m and it would measure around 5.6m wide. The extension would provide another bedroom and bathroom and the roof would be pitched. Due to the addition of the rear extension there would be a new bedroom window installed to the west side elevation.

At the front the existing drive area would be replaced with a garden area and planting, and the dropped kerb in front would be reinstated. A new driveway would be created to the southwest side of the site for two vehicles and a new dropped kerb would be created.

Relevant Planning History

N/A

Publicity

7 neighbours were notified on 06/01/2025 - Objections were received from three neighbours. A summary of the objections follows.

- The proposal would have a detrimental effect on their property and wellbeing.
- The two storey rear extension would obscure daylight to their back garden, lounge, kitchen and bedroom for most of the day.
- Part of their garden is already obscured by massive trees on site.
- It is not true that there are no trees within falling distance of the property as there are two in the rear garden of the site.
- The first floor windows would overlook their property.
- They have concerns that although one of the side windows would have obscured glass, and it is a study, it could potentially be a habitable room. This proposed room is within 1.4m of the shared boundary which is below the 7 metres required by SPD6 for first floor habitable rooms. They suggested that the internal layout should be rearranged so that any habitable room windows would be to the rear of the dwelling and the first floor windows to the side would be to bathrooms only.
- Windows to the side elevation should be top opening only to protect privacy levels.
- There could be potential damage to shared fences that they paid for.
- Potential threat to lives of Koi Carp in a long established pond in their garden, due to reduction of natural light and dust falling.
- There would be noise, materials and dust for months, during which time they would not be able to use their garden.
- The proposal is an over-development of the property. The proposed upstairs extension will extend 4.4m from the existing back wall of the property. The planned single-story extension on the rear of this 4.4m two-story extension will bring the total rear extension to 7.5m from the existing back wall of the house, which will take it very close to the rear of the garden perimeter.
- The close proximity of a 2-storey side/rear extension would extend over the majority of their rear boundary, restricting outlook and impacting our private amenity space/garden.
- An extension of this size, so close to the boundary of neighbours to the side, would lead to a sense of enclosure - feeling hemmed in by such an overbearing extension.
- They would lose their right to light, given the close proximity of the two storey extension to their property and the orientation of the site compared to their property.
- The proposed dropped kerb would be situated on a bend, which is a highways, safety issue.
- The property already has a large two storey extension which overlooks their property. The extension would reduce privacy levels even further.
- Have the trees been taken into account? Any groundworks could interfere with the roots which could lead to them falling in bad weather.
- The existing property's extension already obstructs light to their building. The extension would hamper it further.

Following a site visit and reviewing neighbour objections the agent went on to submit revised drawings. Objectors were notified of the revised drawings on 06/02/2025. Occupants of one property were satisfied that the revised drawings would alleviate their initial concerns, but two neighbours still have concerns.

- They will lose all privacy because of second floor windows, as would their neighbour.
- They urge the Council to have a tree specialist ensure that the trees will be safe and not suffer from groundworks, as they could be a danger if that happened.
- The changes to the proposal make no difference whatsoever to their objections.
- The change in window glass has no bearing on our property, but I can see how it just changes the overlooking of a neighbour's privacy from one property at the side to another at the rear. It solves the problem for one adjacent property and moves it to another.
- Their main objection is our complete loss of light to the rear of their property, to their rear rooms, the rear garden and the koi pond. The change to hipped roof does not alter or improve the diminishment of light at all.

- The outline of the proposed extension with the hipped roof is the same as the original proposal of a first floor and ground floor extension that stretches out from their angle and perspective to obscure the natural light they have now. From their property angle, the extension meets the massive trees in their back garden and would join together in shading the natural light entirely.
- The issue of the large trees being within falling distance of building proposals has not been mentioned it seems. The application says there are none, but there are 2 such trees on their property which would cause a danger to all surrounding properties should building be allowed.
- They invited the planning officer to their property to see the devastating effect the proposal would have on their lives from a wellbeing perspective, being hemmed in by darkness when they have enjoyed the daylight as is their right for the past 22 years, and to confirm the danger to their own and other properties from the massive established trees in their back garden.
- They stated they already feel anxious about this and can feel it affecting my health progressively. 2 Arundel Close is already greatly extended and there is no reason why it should encroach any further into other people's lives.

Further revised drawings were emailed to the neighbours on 21/02/2025 - One neighbour objected to the drawings giving the following reasons.

- The reduction of projection to the current 2 storey extension with a hipped roof has absolutely no bearing on my objection. There is still a sloped one storey extension to be added to the current building footprint beyond which will affect light and aspect to our property.
- Furthermore, the revised proposal keeps a 2 floor extension from the original rear elevation of the property which extends out according to the plans for 7.5 metres, cutting off daylight and light to my rear garden and rear rooms. As access to daylight is considered an amenity, I strongly object to the proposed plans which would prevent me accessing this amenity.
- In addition, rights to light are an easement that I understand to be similar to a right of way over neighbouring property, normally obtained by enjoying light uninterrupted and without permission for over 20 years as is the case here. We moved in to 25 Rudgwick Drive 23 years ago in January 2002. This proposal would contravene this easement and would require further investigation. Because of this strong objection and its validity, a Daylight and Sunlight Assessment should accompany the application.
- The issue of the two enormous trees which would be a hazard and a danger to building for 2 Arundel Drive, my property and at least 3 other surrounding properties has not been admitted on the application and must be considered.
- All other points made in my earlier objections remain in addition to this objection today.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Conditions and informatives suggested.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
PfE	Places for Everyone
HT2/4	Car Parking and New Development

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 extensions would be constructed using materials and a design that would be considered to be in keeping with the existing dwelling, as well as with other dwellings in the immediate vicinity.

The proposed new parking arrangements to the front would also be considered to be in keeping with other driveways along Arundel Close. The design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- At the rear the single storey extension would be around 4m to the rear boundary and any views from the ground floor windows would be over the applicant's garden only. The existing boundary fence would screen any ground floor views between the proposed extension and neighbouring properties/gardens.
- At first floor level there would be three windows to two bedrooms and a bathroom. One bedroom window would be around 7m from the rear boundary and the second bedroom window would be around 10m away from the same boundary. These distances would be acceptable in terms of SPD 6, in terms of any impact on privacy to neighbouring properties to the rear of the site.
- The extension would be just over 8m from the shared boundary with no.4 Arundel Close to the west of site and there would be a ground floor kitchen window to the side elevation. This would be acceptable in terms of SPD 6.
- Due to the property being extended to the rear a new first floor window would be installed to side elevation to an existing bedroom. As the window would be at least 7m from the shared boundary with no.4 next door it is considered that there would not be any significant detrimental impact on residential amenity at that property.
- There would be no changes to the front elevation apart from a new window to the existing first floor side extension and the addition of a pitched roof. These changes would not have any significantly detrimental effect on residential amenity at properties to the front of the site.
- Numbers 23 and 25 Rudgwick Drive share a boundary with the east side of the site. With regards to number 23 the existing flat roof two storey extension runs along much of the shared boundary with this particular neighbour. The addition of the first floor extension to the front of the existing extension would result in a two storey extension running along the whole of the shared boundary with this property. However, the extension would not be any closer to the shared boundary than the existing first floor extension is now and given the orientation of the site the first floor extension it would not cause any significant detrimental effect on light to the rear of this property. This has been confirmed in the daylight and sunlight assessment that the applicant submitted.
- There would be bathroom and laundry ground floor windows to the side elevation facing no.23 Rudgwick Drive and a first floor bathroom window. As these rooms are considered to be non-habitable the short distance to the shared boundary would be considered acceptable in terms of SPD 6, and a condition would be added to the decision stating that the first floor window should remain obscurely glazed at all times in the future in order to retain privacy levels between the two properties.
- No.25 Rudgwick Drive is located north east of the site. The proposed single storey extension would be around 8m from the rear elevation of the single storey extension to the rear of this property and around 12m from the two storey rear elevation. These separation distances would be acceptable in terms of SPD 6. As the extension would be single storey only it is considered that it would not cause any significant detrimental impact on light to the rear of this property. This has been confirmed within the daylight and sunlight assessment which has been submitted.
- The proposed two storey extension to the rear of the dwelling would be built around 4m away from the shared boundary with no.25 Rudgwick Drive and there would be no windows in the side elevation facing this property. The distance between the two storey rear extension and the rear elevation of no.25 Rudgwick Drive would be considered acceptable in terms of SPD 6 and as there would be no windows directly facing this property there would be no significant detrimental effect on privacy levels.

- New windows to the rear elevation would have not have any direct views over properties on Rudgwick Drive to the east and northeast of the site.
- The light assessment submitted confirms that there would be no significant detrimental impact on light to the immediate neighbouring properties and gardens.
- The proposed hipped roof to the two storey side extension would also help to alleviate any possible light issues to properties to the east and northeast side of the site.
- The new drive to the front of the site would be positioned next to the southwest boundary in order to gain two parking spaces at the front, and a new dropped kerb would be created for access. The existing dropped kerb would be reinstated and the existing drive would be replaced with a small garden area. The garden area would act as a natural soakaway for any surface water from the new hardstanding and the site plan also shows that there would be a drain installed where the drive meets the back of the pavement.
- The existing garage would remain, but would not be accessible to a vehicle. This would reduce the amount of parking within the site by one space. The proposed drawings show that a new drive would be created for two vehicles.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Daylight and Sunlight assessment -

A daylight and sunlight assessment was submitted in support of the proposal, by the applicant. The conclusion of the assessment is as follows;

'The daylight and sunlight to the analysed windows and garden space of 4 Arundel Cl, 23 & 25 Rudgwick Dr, Bury BL8 1YB, UK will not experience a noticeable reduction of daylight and sunlight as set out in the BRE guidelines.

We, therefore, conclude that the effects of the proposed scheme in relation to daylight and sunlight are BRE compliant and we have identified no grounds for rejection of a planning application for this proposal.'

Parking -

The proposal would increase the number of bedrooms from 4 to 6 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. Following the extension being built and external alterations there would be a drive to the front of the site for two vehicles. The area has on street parking and there is public transport available nearby. In this instance then the parking arrangements are considered sufficient.

Trees on site -

There are two large trees to the rear of the site. They are not subject to any TPOs. Although it is not part of the proposal it is noted that the applicant also intends to remove the tree closest to where the rear extension would be built. This would also help to alleviate some of the concerns raised by the objectors.

Response to neighbour objections -

The majority of the neighbour concerns have been addressed in the report above and with the receipt of revised drawings and a daylight/sunlight assessment which confirms that the proposed development would not have any significant detrimental impact on light to neighbouring properties throughout the day.

With regards to a right to light, this is a concern but in general it is considered to be a civil matter that the relevant parties would need to discuss. However, in Planning terms impact on light to neighbouring properties is protected to some extent by way of SPD 6. In this instance the applicant was asked to provide a Daylight/Sunlight assessment, which they did and it identified that the proposed development would not cause any significant harm in

terms of light to neighbouring properties throughout the day.

The proposal would not be considered to be over development of the site given that it is quite a large site with sufficient amenity space remaining following the construction of the proposed extensions.

Concerns about impact of the development on mental health and any disturbances during the building period, including materials, dust and noise pollution are genuine reasons for concern, but they would not be considered to be material planning considerations and they would not have any impact on the final outcome. If neighbours have any concerns during the building works they would need to speak with the applicant, and/or relevant departments at the Council.

Conclusion -

The proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

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 drawing numbered SHT 2 of 4 received on 11/12/2024, drawing numbered SHT 4 of 4 Rev C received on 21/02/2025 and drawings numbered SHT 1 of 4 Rev D and SHT 3 of 4 Rev D received on 01/04/2025 as modified by the emails from I.Planning Services dated 21/02/2025 and 01/04/2025. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 5 The revised access and parking arrangements and boundary treatment alterations indicated on approved plan reference SHT 3 of 4 Revision D, incorporating the reinstatement of the existing footway crossing to adjacent footway levels, provision of a footway crossing in a position to be agreed on site with the Highway Authority, lowering of any affected footway boxes, demarcation of the limits of the adopted highway with the retention/provision of new edgings at the back of the footway, new driveway 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, shall be implemented prior to the extended driveway and extensions 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. pursuant to Bury UDP Policies H2/3 - Extensions and Alterations and HT2/4 - Car Parking and New Development, and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 6 Before the first occupation of the extension hereby permitted the first floor window to the east side elevation shall be fitted with obscured glazing and be unopenable below an internal height of 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>
AU - 07/04/2025		DM	10/04/2025