

DELEGATED REPORT

Report by Amanda

Date of report: 26/10/2020

Ref:65908/FUL

Uhunmwagho

Registration: 09/09/2020

LDFC: 29/09/2020

Expiry Date: 04/11/2020

Site Visit: 08/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at front with juliet balcony

Location: 9 Winifred Avenue, Bury, BL9 7TW

Description

The application property is a two storey detached house with an attached garage to the front. The property is situated at the top of a cul-de-sac with open fields to the rear. The fields to the rear are Green Belt but Winifred Avenue is not within the designated Green Belt.

The proposal is to build a first floor extension above the existing garage to the front of the main dwelling.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 09/09/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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

Visual Amenity -

The proposed extension would be built with a design and materials that would compliment the existing property. Properties on Winifred Avenue are fairly modern detached properties, all with slightly different designs. Given the position of the property at the head of the cul-de-sac the proposed extension would not appear intrusive in the existing street scene and the character of the property would be maintained. The design of the proposal is considered to be in keeping with the existing building.

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.

Residential Amenity -

- As the extension would be to the front of the property there would be no concern about any impact on land to the rear of the site.
- To the front elevation there would be two habitable room windows installed which would face the two storey side elevation of no.7 Winifred Avenue. There is one non-habitable first floor window to the side of no.7 and also one window to the front corner. It is unclear what room the window towards the front of the property serves but the proposed first floor bedroom windows of the extension would not directly face this particular window. There would be over 18m to the windows on the side of this property

- which would be more than sufficient in terms of SPD6.
- No.7a Winifred Avenue to the west of site would be a sufficient distance to the side wall of the proposed extension so that there would not be any seriously detrimental effect on residential amenity at this property. There is also a track separating the site from no.7a.
- To the east side elevation there would be a Juliet balcony installed. The plans show that this window would be just 6m to the shared boundary with no.11 next door. SPD 6 does state that first floor habitable room windows should be at least 7m from a shared boundary in order to maintain privacy levels between properties. However, the proposed window would over look the front garden and drive way which carries less weight than if the window would overlook a rear garden. These areas are also already overlooked from the road in front and so it is considered that the position of the Juliet balcony would not have any seriously detrimental effect on privacy at no.11 next door.
- As the extension would be to the first floor only there would be no impact on existing parking arrangements on site.

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.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 DWG/01 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 26/10/2020.		DM	30/10/2020