

DELEGATED REPORT

Report by Amanda

Date of report: 06/03/2023

Ref:68851/FUL

Uhunmwagho

Registration: 05/09/2022

LDfC: 18/10/2022

Expiry Date: 31/10/2022

Site Visit: 12/10/2022

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side, Front porch extension, Single storey extension at rear and decking at rear

Location: 16 Stokesay Close, Bury, BL9 8DB

Description

The application relates to a previously extended two storey detached house situated towards the top of a cul-de-sac. There is a single storey extension to the side and a two storey rear extension. At the front the whole of the area is paved over providing on site parking for two vehicles. At the rear of the site there is raised timber decking with steps leading down to the rear garden below.

At the rear there is a tall fence along the shared boundary with no.14 Stokesay Close and there is a fence along the shared boundary with no.18 and there is a detached garage to the rear of no.18 directly adjacent to the shared boundary.

The proposal is to build a two storey extension at side, front porch extension, single storey extension at rear and decking at rear. At the front the porch would be positioned in the same place as the existing porch. It would project 1.77m forward of the front elevation and it would measure 2.7m wide. The roof would be pitched with door to the front elevation and there would be pillars to either side of the door.

The two storey side extension would project 2.41m wide and would measure 9.65m long. The roof would be pitched with one rooflight to the new first floor bathroom. A ground floor bathroom window would be installed to the side elevation.

At the rear the single storey extension would project 4.99m from the original rear elevation and would measure 6.85m wide. It would have a pitched roof. The proposed decking would project from the rear of the extension by 2.96m and it would measure the same width. There would be steps from the extension down to the decking which would be 723mm from the ground level. The decking would have a glazed balustrade with 1.7m high privacy screen to the north side. There would be steps from the rear of the decking down to the garden area.

Relevant Planning History

N/A

Publicity

Neighbours notified on 26/09/2022 - One objection received. A summary of the objection is listed below;

- They strongly object to the two storey extension directly adjacent to their house.
- The exterior wall would be very close to their wall, virtually up to the bathroom window

on their side elevation. This would prevent them from opening their window for ventilation or emergency situations.

- The extension would block light to their bathroom window.
- They believe there is a point of law which pertains to this, which is called the 'right to light Prescription Act 1832', it is our hope that this will support our objection.
- There would be two windows in the side elevation of the extension adjacent to their house meaning the ground floor one would face on to their brick wall providing no light to the interior, and the first floor bathroom window would directly face their bathroom window.
- The bathroom windows would be so close to one another that they would both be prevented from opening.
- It is not good practice to have two windows facing one another, 300mm apart.
- The design is strange and baffling and they find it completely unacceptable.
- The design of the extension would cause issues selling either of the houses at a later date.

Following discussions with the agent revised plans were submitted which showed the extension would be pulled in away from the shared boundary at the side by 150mm. The neighbour was notified of the revisions on 18/11/2022. The neighbour replied advising they still object to the proposal. A summary of their further objections is listed below;

- Very little has changed to address their initial objection.
- They appreciate a small effort has been made to address their objection but the extension would still block light to their bathroom window.
- They advise the brick wall would block light to their bathroom throughout the day causing them to have to use lights, which would in turn cost them more money in electricity.
- The updated plans still show the proposed bathroom window directly opposite theirs. This would be an invasion of privacy.
- They have noticed that both bathrooms would be to the side of the house adjacent to theirs. They question what provision has been made for the location of soil pipes and subsequent access for maintenance. None of this is detailed on the plans.
- They advise that placing soil pipes directly outside their bathroom window would be unacceptable and strange.
- They don't want to be awkward or prevent the house from being improved as it has been an eyesore for many years but they don't want the improvement to that house to be of detriment to theirs.
- They feel that the applicant could achieve a five bed roomed house with single storey side and rear extensions and an improved internal layout to the first floor.
- The neighbour included photographs from a friend's property where an extension was built to the side of their property in order to demonstrate the possible impact of the proposed extension on their bathroom.
- There are no dimensions with regards to the decking and it looks like it would extend out from the rear of the extension at a considerable height. This could impose on their privacy because users of the decking could look in to their kitchen from the decking. They ask if the height could be reduced.
- The roof of the rear extension would impose on their views from their kitchen. They question if the roof could be sloped so it would lessen the impact on their property.
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- Further revised plans showing a reduction in the decking height and removal of the first floor bathroom window to the side elevation were received on 23/02/2023 and the neighbours were notified. - No comments or objections have been received.

Statutory/Non-Statutory Consultations

N/A

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 -

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 built with materials and a design that would be considered to be in keeping with the existing building. As such there would be no significant detrimental effect on the character of the existing streetscene.

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 -

- There are no residential properties directly to the rear of the site and properties to the front would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity at those properties.
- The plans shown that all of the development would be built within the site boundaries and as such there would be no concerns regards encroachment on to land to either side of site.
- There are no habitable room windows to the side of no.14 Stokesay Close to the north and there would only be one ground floor non-habitable room window installed to the ground floor.
- The two storey side extension would not project beyond the rear elevation of no.14 next door.
- The proposed single storey rear extension would be around 1.7m from the shared boundary with no.14 and there would be no windows in the side elevation facing that property. The 45° rule would be satisfied regards windows to the rear of no.14 to the north.
- The 45° rule would be satisfied regards ground floor habitable room windows to the rear of no.18 to the south and there would be no new windows in the side elevation facing this property. The side elevation of the extension would be around 339mm from the shared boundary with this property.
- The height of the rear extension was raised as a potential concern for the objecting neighbours. However, as well as the 45° rule being satisfied the 25° rule would also be satisfied with regard to the single storey rear extension. This means that the pitched roof as proposed would be considered acceptable in terms of SPD 6 and any detrimental impact on light to neighbouring properties would be minimal.
- The proposed decking would compromise the 45° with regards to both numbers 14 and 18 Stokesay Close but given that its height would be 723mm from ground level the 25° rule would be satisfied.
- As the decking would run along the side of the detached garage at no.18 and because of the proposed height from the ground level there would be no overlooking concerns. The agent has shown on the plan that the deck level would be around 1.73m lower than the garage roof so the garage naturally acts as a privacy screen.
- A 1.7m high, opaque privacy screen would be added to the north side of the decking to help prevent any overlooking of no.14 to the north of the site.
- The site plan shows that there would be two parking spaces to the front of the site, both measuring 6m in length. This would be acceptable in terms of SPD 6.
- The proposed rooflight to the bathroom would not have any significant detrimental impact on residential amenity.

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 and the 45° rule from nearest relevant windows of the adjacent properties.

Parking -

The proposal would increase the number of bedrooms from 3 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. The site as existing has a drive to the front of the dwelling. The proposed extension would be built at the side of the main dwelling and would not project any further forwards. As such two parking spaces would be available to the front of the dwelling.

The area has on street parking and there is public transport available nearby. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

The neighbours' concerns have been addressed with the receipt of revised drawings which have been assessed within the report above. The objections were regards a first floor bathroom window to the north side of the two storey side extension, the height of the roof of the rear extension and the decking.

The agent submitted revised plans which showed the removal of the first floor bathroom window. This room would now have a rooflight installed. The decking to the rear of the property has been significantly lowered compared to what was originally submitted.

No changes have been made to the roof of the single storey rear extension because this part of the development would satisfy the requirements as set out in SPD 6. One neighbour was concerned about their loss of view from their kitchen window due to the position of the extension. With regards to the kitchen window to the rear of the neighbour's property any direct views from this window would be directly west over their rear garden and not towards the extension. It is noted that no.18 is built around 2m from the shared boundary with the site and they have a detached garage adjacent to the boundary, which may restrict some light/views from the kitchen window already. However, there is no right to a view in terms of Planning and as the development would satisfy the requirements set out in SPD 6 there would be no reason to refuse the proposal.

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 SHT 1 of 4 and SHT 2 of 4 received on 05/09/2022, SHT 4 of 4 Rev A received on 27/10/2022 and drawings numbered SHT 3 of 4 Rev E, SHT3a of 4 Rev E, SHT 3b of 4 Rev E and SHT 3c of 4 Rev E received on 23/02/2023 as modified by the emails from I.Planning Services dated 27/10/2022 and 23/02/2023. 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

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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.
- 4 Before the first use of the decking hereby permitted a 1.7m high privacy screen shall be fitted with obscured glazing, along the north side of the decking 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> AU - 06/03/2023	<u>Sign off Officer</u> <u>Date</u> HL 08/03/23
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