

DELEGATED REPORT

Report by Amanda

Date of report: 16/10/2023

Ref:69810/FUL

Uhunmwagho

Registration: 27/06/2023

LDFC: 02/08/2023

Expiry Date: 22/08/2023

Site Visit: 22/08/2023

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: New front porch; Single storey side extension; single storey / two storey side extension; loft conversion including 2 no. dormer windows to the front; rear dormer extension and external alterations

Location: 113 Randale Drive, Bury, BL9 8NE

Description

The application property is a two storey semi-detached house which has a single storey extension to the south side of the main dwelling. The property is attached to no.2 Simister Drive to the rear and there are gardens to three sides. To the south of the site there is a driveway and detached garage. There is a second driveway the north side, although there does not appear to be a lowered crossing.

The proposal is to build a new front porch, single storey side extension to the north of the main dwelling, single/two storey extensions to the south side and a loft conversion with 2 dormers to the front elevation and one to the rear. There would also be some external alterations and a rooflight to the front.

The single storey extension to the north would project 1m from the existing side elevation and it would measure 5.5m wide. The side elevation would be around 850mm off the shared boundary with no.2 Simister Drive and the roof would be hipped.

On the opposite side the single storey extension would project 5.12m from the original side elevation and it would measure 6.24m wide. It would be set off the shared boundary with no.2 Simister Drive by around 138mm and the roof would be hipped.

The two storey element would be set in around 2.3m from the rear wall of the single storey section below, and it would be set back from the front elevation by around 500mm. It would measure 3.3m wide and the roof would be hipped.

The existing front porch would be replaced with a new porch projecting 1.8m forward and measuring 3m wide. The roof would be pitched. To the front there would be a double door with glazing above and to the side, as well as a window to both sides of the porch.

The loft would also be converted into living accommodation providing 2 further bedrooms and a bathroom. There would be a flat roof dormer to the rear to accommodate the staircase. It would measure 2.1m wide x 600mm projection. The roof would be flat and there would be no windows to this dormer. At the front there would be two pitched roof dormers to the bedrooms and a rooflight to the bathroom. The application form states that the extensions would be finished with materials that would match the existing materials at the property.

Relevant Planning History

N/A

Publicity

8 neighbours were notified on 12/07/2023 and further neighbour notified on 20/07/2023 - one objection received. They gave the following reasons of objection;

1. Loss of daylight for the majority of daylight hours to the garden and rear facing windows
2. Increase of shading to my garden reducing the potential growth of the lawn and garden items eg flowers. The impact on the garden area will reduce the wellbeing benefits of the garden .
3. Potential of windows overlooking my property and therefore loss of privacy for my property

The objector was notified of revised plans on 28/08/2023 - They replied via email on 29/08/2023 advising that they have no objections to the revised plans and they appreciate that their comments have been taken into consideration.

Following further discussion with the agent revised drawings were received on 20/09/2023. The neighbour who objected to the initial plans was emailed the revised drawings on 27/09/2023 and other neighbours were notified on 03/10/2023 - The neighbour who had originally objected initially advised they have no further comments to make with regards to the revised drawings.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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.

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. Although there doesn't appear to be any other properties with front dormers in the immediate vicinity the proposed dormers would not be considered disproportionate on the front of the roof and they would be finished with materials that would match the existing property. As such there would not be any significant detrimental harm caused with regard to the existing streetscene.

The flat roof dormer to the rear of the property would be a small dormer which would not be readily visible in the public realm. As such it would not cause any harm in terms of visibility amenity in this area.

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 -

- Properties to the front of the site would be more than a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity.
- The single storey extension to the north side elevation would be a sufficient distance from the side of no.111 Randale Drive so that there would be no significant detrimental impact on residential amenity at that property.
- The single storey extension to the north would be built away from the shared boundary with no.2 Simister Drive. As such it would not have any significant detrimental impact on the ground floor habitable window to the front elevation of no.2 Simister Drive nextdoor.
- On the south side the side elevation at ground floor level would be around 6.36m away from the shared boundary with no.115 Randale Drive and the first floor would be around 7.8m away. Views from the ground floor patio doors would be towards the applicant's

own garage on site and there would be no direct views over no.115 next door. In addition the only upper floor window would be a bathroom and there is a blank side gable at no.115 adjacent to the boundary. As such there would be no significant detrimental effect on residential amenity at this property.

- The extension to the south would result in the building projecting around 6.1m past the rear elevation of the attached property, at ground floor level. As the side elevation would be built off the shared boundary by around 138mm the equivalent projection would be around 6m. The extension would be due south of this property and as such there would be some detrimental impact on light to the ground floor window on the rear elevation of no.2 Simister Drive. However, as the projection would be equivalent to 6m and the neighbour has no objections to the proposal this part of the development would be considered acceptable under the larger homes scheme.
- The two storey extension to the south would be around 2.4m from the shared boundary with no.2 Simister Drive and it would appear that the 45° rule would be satisfied with regards to the ground floor windows on the rear of the attached property. As such it would not have any significant detrimental effect on residential amenity at no.2 Simister Drive.
- The porch would project 1.8m forward of the main front elevation, but as it would remain set well back from the highway in front and would not interfere with parking arrangements within the site it would be considered acceptable in terms of its impact on residential amenity.
- At the rear there would be one small flat roof dormer which would be to provide access to the converted loft space. The plans show that this would not encroach on to the roof at no.2 Simister Drive next door. As such there would be no detrimental impact on residential amenity at the neighbouring property due to the position of this dormer.
- The separation distance between the two front dormers and properties on the opposite side of Randle Drive would be acceptable in terms of SPD 6.
- The existing parking areas and garage would remain as they are currently.

Taking the above into account 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.

Parking -

The proposal would increase the number of bedrooms from 3 to 5 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 and garage to the south side, as well as a second drive to the north side, albeit not one with a legal crossing. However, there are no parking restrictions to the highway in front and there is public transport available. In this instance the parking arrangements are considered sufficient.

Response to neighbour objection -

One neighbour objected to the initial drawings submitted with the application. However, after reviewing revised plans received on 23/08/2023 and 20/09/2023 they were notified and they replied via email advising they were now satisfied and had no objections to the revised proposals.

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

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 6, SHT 2 of 6 and SHT 3 of 6 received on 27/06/2023 and revised drawings numbered SHT 4 of 6 Rev B, SHT 5 of 6 rev B and SHT 6 of 6 Rev B received on 20/09/2023 as modified by the email from I.Planning Services dated 20/09/2023. 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 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 occupation of the extension hereby permitted the first floor window on the south elevation shall be fitted with obscured glazing 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 - 16/10/2023			