

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/08/2024	Ref: 70843/FUL
Registration: 17/06/2024	LDFC: 12/07/2024	Expiry Date: 12/08/2024
Site Visit: 06/08/2024	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey / two storey extension at side; single storey / two storey extension at side / rear; first floor balcony with glazed balustrade and external alterations

Location: 43 Woodhill Fold, Bury, BL8 1UY

Description

The site is a detached brick/tile property at the end of a cul-de-sac access way of like properties. There is a substantial garden area on the south side of the property beyond which is Irwell Works. There is a heavily treed area to the east. The house has been previously extended on the south elevation.

Planning permission sought for a single storey/ two storey extension at side/rear, two storey extension at side and a first floor balcony with glazed balustrade along with external alterations.

The proposed part single, part two storey side/rear extension would project 1.6m to the side and 5m to the rear on the ground floor. The two storey element would also project 1.6m to the side but only 3.5m to the rear. On the opposite side the two storey side extension would be flush with the both the principal front and rear elevations and would extend 4.5m to the side (south). The proposed first floor balcony would be run along the rear of the two storey side extension and along the side and rear of the part single, part two-storey side/rear extension to enable access from the principal bedroom and the proposed bedrooms to the rear. The development would have pitched roofs and accommodate an open plan kitchen/diner, utility, WAC and a snug room with access to the principal bedroom via a new stairs on the ground floor. On the first floor, the development would facilitate three bedrooms, one with en suite bathroom (principal). The proposal would also utilise the use of matching materials.

Relevant Planning History

02947/E - Two storey rear extension with balcony; side front extension
- Enquiry completed 03/04/2024

51200 - SINGLE STOREY EXTENSION AT SIDE - Approve with Conditions 28/05/2009

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

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.

Visual amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements

the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed two storey side development would have a simple and unobtrusive design that would not detract from the character of the host dwelling. This extension would have no setback on the first floor. However, there would be a large setback distance of over 7m to the side boundary and beyond large trees separates the site and the Irwell Works. Therefore, the two-storey side extension would be considered suitably in design and modest in scale given its context.

On the opposite side, the two-storey element of the part single, part two-storey side/rear extension would not project beyond the proposed single storey side/rear element nor the rear elevation of the adjacent neighbouring property (No.41 Woodhill Fold). With a projection of 5m to the rear and 1.6m to the side, the single storey element would be considered a modest structure, and it would be constructed with matching materials and as such, would be in keeping with the existing structure.

Wrapped-around the side/rear of the part single, part two storey side/rear extension and the rear of the two-storey side extension, the proposed balcony would be a modest platform that would be screened from the adjacent property (No.41 Woodhill Fold) using a 1.8m high obscure glazed Balustrade system. To the rear, the balcony would be facing towards a woodland with large trees and there is a substantial garden area with large trees on the side (south) of the property and beyond there is Irwell Works.

Overall, in terms of scale, design and setting, along with the use of matching materials, the development would not overwhelm the existing dwelling or result in over development of the associated amenity space. Therefore, the proposed extension would therefore comply with SPD 6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there would be 5.5 metres from the proposed ground floor level and 7m from first-floor windows to the rear site boundary. However, there would be no properties beyond to the rear.
- The proposed two storey side extension would be flush with the existing front elevation and would not project beyond the principal rear elevation. Furthermore, the extension would have no proposed side windows and there is a substantial garden area on the side (south) of the property beyond the Irwell Works is located there. To the rear, there is an area of woodland with large trees there and no properties beyond.
- On the opposite side, the part single, part two storey side/rear extension would have a modest projection to the side (1.6m) on both the ground floor and first floor which would be acceptable. Additionally, the single storey rear element would also be acceptable given it would not project beyond the adjacent property (No. 41 Woodhill Fold). Moreover, considering the Larger Homes Scheme and the fact that the adjacent neighbour has not objected to this application, the proposed projection of a 5m extension along the shared boundary would be acceptable.
- The part of the proposal in question would be the proposed two storey rear element. This would project as a blank wall along the side of the adjacent property (No.41).

This neighbouring dwelling has been extended with a single storey rear addition. The proposed extension would project 3.5 metres beyond the rear elevation of No.41 Woodhill Fold and therefore, the 45-degree rule would apply. However, when taking the 45-degrees from the mid-point of the closest habitable window there would be no detrimental impact in terms of overlooking and privacy, nor excess overshadowing. Furthermore, given there would be no proposed side windows facing this neighbour, the proposed extension would have no detrimental impact on the occupiers of No.41 Woodhill Fold.

- The proposed wrap-around first-floor balcony platform would be facing towards an area of woodland with large trees to the rear (east) and there is a large garden area on the side (south) of the property and beyond there is Irwell Works. To the north, the platform would be facing towards the adjacent neighbouring property (No.41). However, a condition making sure that a 1.8m high obscure glazed Balustrade system would be put in place as indicated on the proposed elevations.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal will result in 1 additional bedroom, given there was 3 existing bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 the drawings received on 10/06/2024 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 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 1.8 metres high obscure glazed balustrade to the side facing the adjacent neighbour subject to this application shall be constructed prior to the first use of the balcony hereby approved

and thereafter maintained.

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>
MW	21/08/2024	HL	21/08/2024