

DELEGATED REPORT

Report by Amanda

Date of report: 16/04/2024

Ref:70577/FUL

Uhunmwagho

Registration: 12/03/2024

LDFC: 03/04/2024

Expiry Date: 07/05/2024

Site Visit: 09/04/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; Single storey side/front extension; Front porch

Location: 40 Brookwater Close, Tottington, Bury, BL8 3LD

Description

The application relates to a two storey semi-detached house with a small front garden and driveway to the front/side of the house. There is a private garden to the rear and directly to the rear of the site is Tottington High School. No.59 to the west of the site has been extended to the side and has a slightly higher ground level to that on site. There is an existing dropped kerb across the whole of the front of the site.

The proposal is to build a two storey side extension, single storey front/side extension and front porch. The plans also show that the garden area to the front of the site would be replaced with hardstanding to create two parking spaces to the front of the dwelling.

The two storey side extension would measure 2.81m wide x 6m long. It would be built flush with the existing rear elevation and set back at the front by around 900mm. The roof would be pitched and there would be a bedroom window to the front and en-suite bathroom to the rear.

At ground floor level the single storey extension would project 1.39m forward of the main front elevation and it would measure 4.71m wide. The roof would be mono-pitched and to the front elevation there would be a new door to the porch and small bay window.

The proposed hardstanding to the front would be constructed using porous materials.

Relevant Planning History

N/A

Publicity

4 neighbours notified on 13/03/2024 - No comment or objections received.

Statutory/Non-Statutory Consultations

None

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

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.

At ground floor level the extension would project 1.39m forward of the existing front elevation. This would be similar in appearance to front extensions on other properties along Brookwater Close.

At first floor level the extension would be set back from the original front elevation by around 900mm, which would be around 74mm forward of the front elevation of no.59 Brookwater Close next door. The proposed drawings show that the side elevation would be around 180mm away from the shared boundary with this property.

Normally a first floor set back of 1.5m would be required for first floor side extensions in order to prevent possible terracing with a neighbouring property. A lesser set back, or different arrangement may be acceptable in certain circumstances such as short rows of houses, staggered building lines and differences in land levels.

Taking the existing layout of the houses along Brookwater Close and the fact that no.59 does have a slightly higher ground level to that on site, the lesser set back at first floor level would be considered acceptable in this instance and there would be no concerns regards terracing with the neighbouring property.

Although it isn't ideal to create hardstanding across the whole of the front of a site, other properties have already done this along Brookwater Close and as the materials would be porous the works could be carried out as permitted development.

The overall design and proposed finished materials would be considered to be in keeping with the existing building and there would be no significant detrimental impact 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 -

- 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.
- To the rear of the site are the grounds of Tottington High School.
- At the rear the extension would not project beyond the existing rear elevation and the new first floor window would be a bathroom which would be obscurely glazed.
- There would be no windows in the side elevation and the rear elevation would not project past the rear elevation of no.59.
- The drawings show that all of the extension would be built within the site boundaries.
- At the front the single storey section would project around 2.39m forward of the front elevation of the extension at no.59 next door. Given that the site is due east of this property there may be some detrimental impact on light to the nearest front window at no.59. However, this window is part of an extension and as such would not carry as much weight in terms of the planning application as an original window would. The ground level at no.59 is also slightly higher to than on site, which would mitigate some of the possible light obstruction to the front of the house. It is considered that in this instance the single storey front extension would not have any seriously detrimental effect on residential amenity at no.59 next door.
- The first floor extension would project slightly forward of the front elevation of the extension at no.59, but not enough to warrant refusal.
- At the front of the property the garden area would be replaced with porous hardstanding to create a second parking space to the front of the property. As there is an existing dripped kerb across the whole of the front of this site there would be no need to apply to Highways for access.
- The new hardstanding to the front would not have any significant detrimental impact on the front garden of the attached dwelling.

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 .

Parking -

The proposal would increase the number of bedrooms from 2 to 3 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 2 parking spaces. The proposed drawings show that the existing driveway to the front would be extended across the front of the existing dwelling resulting in two parking spaces within the site. The area has on street parking and there is public transport available close by. In this instance then the parking arrangements are considered sufficient.

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 R-0817-SLP, R-0817-01 and R-0817-02 received on 13/03/2024 and revised drawing numbered R-0817-05 Rev C received on 12/04/2024 as modified by the email from Equilibrium Architects Ltd dated 12/04/2024. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	16/04/2024	DM -	18/04/2024