

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 01/07/2022

Ref:68276/FUL

Registration: 14/04/2022

LDfC: 27/05/2022

Expiry Date: 09/06/2022

Site Visit: 05/05/2022

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: Single storey extension at side/rear

Location: 17 Cloughton Road, Tottington, Bury, BL8 3BS

Description

The application relates to a bungalow (with attic accommodation) on a residential cul-de-sac of similar properties. There is an existing rear single storey extension and a number of sheds along the shared boundary with No.15 which has an existing pergola alongside the same boundary and plus a small kitchen extension to the rear. All three sides of the applicants rear garden have an existing close boarded fence approximately 1.8m high. There is a separation of approximately 17.1m to the rear boundary, and a driveway approximately 14.2m in length.

Planning permission is sought for a single-storey side extension that would project out 2.39m to just short of the shared boundary. It would be set back from the front building line by 4.22m (excluding front porch), and project 2.39m out from the rear building line, with a flat roof. Materials would match existing but have an EPDM flat roof and it would accommodate an addition bedroom and enlarged lounge. There are no new side windows proposed.

There would be a separation of 14.5m to the rear boundary, and the driveway would be reduced to approximately 11m in length.

Relevant Planning History

33629 - single storey rear extension - Approved 1997

Publicity

Immediate neighbours notified by letter dated 05/05/2022 sent to 8 (eight) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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.

Visual amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. Situated at the side and rear, the proposed extension would be readily visible from the public arena, although it would be set back from the front building line by 4.2m and its design and scale is considered to be generally appropriate for this property and streetscene. Materials would match existing plus an EDPM roof. The existing 1.8m high fencing along the rear/side boundaries would further reduce the impact on the residents to the rear.

Planning guidance in SPD6 normally requires extensions that flat roofed extensions will not be permitted unless they reflect the style of the existing property. Given that this street has a large number of relatively small dwellings, plus the side extension is set back a good distance from both the highway and building line, it is considered that a flat roof will be acceptable on this occasion.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

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, the 14.5m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.
- The proposed extension would not project out from the existing building line in excess of 3m, beyond which the 45-degree rule would apply.
- There are no new side windows proposed.
- The neighbours kitchen window on the side elevation of No.15 is a side/ non-habitable room window and therefore cannot be afforded significant weight in any assessment. The kitchen door on the same elevation also cannot be given a great deal of weight.
- In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary and is to the south of No.15, however it is entirely single storey with a flat roof. The proposed extension would have some impact on part of that neighbours rear garden including the existing pergola, around midday, but there is already an existing fence approximately 1.8 high, and any overshadowing would not be seriously excessive above and beyond the existing situation.

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

Highways

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, which requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 2 car spaces, and there is additional parking available on street. Given the situation and the fact there are no changes to parking layout other than driveway length, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed

development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 drawings submitted on 01/04/2022 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	01/07/2022		