

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 13/06/2022

Ref:68256/FUL

Registration: 28/03/2022

LDfC: 30/04/2022

Expiry Date: 23/05/2022

Site Visit: 22/04/2022

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 rear; Garage conversion

Location: 3 Oakwood Close, Bury, BL8 1DD

Description

The application relates to a two-storey detached house on a residential cul-de-sac of similar properties. There is an existing small single storey extension at the rear. The unattached neighbour at No.1 (to the north) has an existing two-storey extension at the rear and the neighbours on the other side (to the south) are separated from the site by a private access side road that functions as a shared driveway between other neighbours. The rear boundary has close boarded panel fencing (painted grey) approximately 1.7m high. At the front the property has a spacious driveway with off-road capacity for at least two cars.

Planning permission is sought for a single-storey rear extension that would project out 2.85m and have a monopitch roof. Materials would match existing, and there are no new side windows proposed. There would be a separation of 8.2m to the rear boundary, although there is no new boundary treatment proposed. Additionally, the applicant proposes to convert the existing garage to a lounge with bay window.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 13/04/2022 sent to 8 (eight) neighbours. No objections were received, and one comment was received.

Comments:

- No objections to the works but wanted to note that in drawing 5 one address has been incorrectly numbered and recent extensions have not been added to the drawings. (Note: this address is not immediately adjacent to the application site and hence not considered to be a material concern).

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 rear, the proposed single storey extension would not be readily visible from the public arena, although its design and scale are considered to be appropriate for this property and materials would match existing. The existing fencing along the rear boundary would further reduce the visual impact on the residents to the rear.

Situated at the front, the proposed garage conversion to a lounge would result in the construction of a bay window. This is considered to be an appropriate feature for this type of property within this location and this type of conversion has already taken place at the front of several other properties. In this respect the 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.

There are no new side windows proposed. The proposed extension would accommodate an enlarged kitchen-diner with large patio doors that would open out across the rear garden. In terms of overlooking and privacy to the rear, the 8.2m separation distance to the rear boundary from the proposed extension is considered to be acceptable and complies with adopted guidance in SPD6.

Although the rear single storey extension would project out by 2.85m, this is less than the 3m allowed before consideration of the 45-degree rule. However the applicants property is set back from the adjacent dwelling's rear building line at No.1 which has had a recent extension completed and so this has been measured accordingly and it is considered that the proposed extension would be acceptable with this regard.

In terms of the general prominence and impact on daylight the proposed extension would run the full width of the existing dwelling while maintaining a gap of 1m along the side boundary with No.1. The proposed single storey extension would have some impact on part of that neighbours rear garden in around midday, but any overshadowing would not be seriously excessive above and beyond the existing situation. The proposed extension would therefore be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - Existing on-site parking provides 2 car spaces, and there is additional parking available on street. However, no changes are proposed other than the loss of the garage parking space. Given the situation and the fact there are no changes to parking layout other than the loss of the garage, 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 extension 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 with associated guidance in SPD6, and UDP Policy HT2/4 with associated guidance in SPD11.

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

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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 02, 03, 05 as submitted on 28/03/2022 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	13/06/2022		