

DELEGATED REPORT

Report by Tom Beirne	Date of report: 13/12/2022	Ref: 68920/FUL
Registration: 14/10/2022	LDFC: 04/11/2022	Expiry Date: 09/12/2022
Site Visit: 16/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear; first floor extension at front / side and new first floor window at front

Location: 195 Parr Lane, Bury, BL9 8JW

Description

The application relates to a two-storey house on a residential street of similar properties on either side. The properties have integral garages and are in a staggered formation along the road. The house has rear conservatory extension. The attached neighbour at No.193 has a single storey rear extension on the other side and the neighbour on the other side at No. 197 is as originally built. The rear boundary has no trees or shrubs.

Planning permission is sought for extensions to the front, side and rear of the house. The two-storey extension, mostly above the garage and kitchen, would project out a 1m at the ground floor along the shared boundary, before stepping in to meet the existing rear elevation. At first floor, the extension above the garage would project out 1m from the front elevation in the form of a gable. It would be set in from the boundary and extend out 2m to the rear, before stepping in and extending out to the line of the existing rear elevation. The roof would be pitched at a approx 600mm lower than the existing ridge. The existing garage would be converted into a lounge and the garage door replaced with a typical lounge window, while at first floor there would be a new dressing room window to the front. There are no new side windows proposed and materials would match existing. There would be a separation of 10.2m to the rear boundary.

It should be noted that this application follows two earlier applications refused in March and August 2022.

Relevant Planning History

67894 - First floor side extension; Garage conversion - Refused 23/03/2022

68437 - First floor side extension; Garage conversion - Refused 22/08/2022

Publicity

Immediate neighbours notified by letter dated 14/10/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions -N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

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 and streetscape - The proposed extension would be in keeping with the existing house and would not appear incongruous within the streetscape. Given the layout of the properties along the road, there would be no issue with terracing. The finishing would be in brick and tile to match the house. In terms of visual amenity, the proposal would be acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - The proposed extension has been amended and set back along the boundary to reduce the impact on the attached neighbour at No.193 Parr Lane. The 'step-in' would reduce its dominance along the boundary and it would satisfy a 45 degree

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line from the centre of the rear window on the attached neighbour at No.193. There are no objections from neighbours and the extension is now considered to be acceptable and complies with UDP Policy H2/3 and guidance in SPD6 with regard to residential amenity.

Access and Parking - The existing access would remain and although the garage would be converted to living accommodation, there would be sufficient space on the existing driveway to safely accommodate a car. This is acceptable and complies with UDP Policy H2/3 and guidance.

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 number P001A and revised plans P002A and P003A 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	13/12/2022		