

DELEGATED REPORT

Report by Amanda

Date of report: 31/08/2022

Ref:68570/FUL

Uhunmwagho

Registration: 20/06/2022

LDfC: 09/08/2022

Expiry Date: 15/08/2022

Site Visit: 19/08/2022

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: Two storey side extension; Single storey rear extension; Raise roof ridge height

Location: 48 Rudgwick Drive, Bury, BL8 1YA

Description

The application relates to a two storey detached property fronting on to Rudgwick Drive with Hailsham Close to the south side. The front area of the site is paved for parking and there is a good sized garden to the rear with fences to all boundaries. On the rear elevation there is a conservatory.

The proposal is to build a two storey side extension, a single storey rear extension and the existing ridge height would be raised by approximately 312mm. At the side the extension would measure 3.23m wide x 8.95m long. The roof would be hipped. To the rear the single storey extension would project 3m from the original rear elevation and it would measure 11.73m wide. The roof would be mono-pitched with 5 rooflights.

Relevant Planning History

N/A

Publicity

Neighbours notified on 19/07/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections raised. Suggested conditions.

Pre-start Conditions -Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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.

The design and finished materials of the proposal is considered to be in keeping with the existing building as well as neighbouring properties in the immediate vicinity. The ridge of the roof would be increased in height by around 312mm and the hipped design would be retained. As the property is a detached building with space between it and the neighbouring properties the increased roof height would not cause any significant detrimental harm to the character of the existing streetscape. The design of the proposal is considered acceptable in this location.

SPD 6 advises that normally a two storey extension should be set back from a boundary with a highway by at least 2m. However, in some circumstances a lesser set back could be acceptable. Taking in to account how the extension would be set well back from the junction of Hailsham Close and Rudgwick Drive the lesser set back of around 1.8m at the front end of the extension would be considered acceptable on this occasion.

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 and rear of the site would be a sufficient distance from the area to be extended so that there would not be any significant detrimental impact on residential amenity at these properties.
- The existing parking arrangements to the front of the site would remain as it is currently.
- The existing hedge to the southern corner of the front of site is to be replaced with smaller shrubs to define the site boundary. This would not have any implications on residential amenity.
- At the rear there would be around 8m from the rear of the single storey extension to the rear boundary and 11m from the proposed first floor section. These distances would be acceptable in terms of SPD 6.
- To the south the site is separated from no.46 Rudgwick Drive by Hailsham Close which runs in between. With this in mind the two storey extension would be more than a sufficient distance from the side elevation of this property and there would be no significant detrimental effect on residential amenity.
- The side elevation of the extension would be built well away from the side boundary so there would be no concerns about possible encroachment on to the adjacent highway.
- The single storey rear extension would project just 3m from the original rear elevation. With this in mind there would be no significant detrimental effect on residential amenity at no.50 Rudgwick Drive to the north.

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 3 to 4 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 3 parking spaces. The site as existing has an area at the front for parking two vehicles and this would remain following the side extension being built. The area is high access in terms of public transport and there is plenty of on street parking available to the highway in front and to the side of the site. 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 received on 20/06/2022 and the revised site plan received on 25/08/2022 as modified by the email from Studio2FLA trading as O'Brien and Noel Architects dated 25/08/2022. 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.
- 4 The revised car parking arrangements indicated on approved plan reference 112-P01 Revision B, incorporating the retention of the existing dropped crossing and parking facilities at the front of the property, and provision of replacement boundary treatment at the junction with Hailsham Close, shall be implemented prior to being brought into use and thereafter maintained available for use at all times
Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
31/8/22			