

DELEGATED REPORT

Report by Jane Langan	Date of report: 19/01/2022	Ref: 67786/FUL
Registration: 12/11/2021	LDFC: 04/01/2022	Expiry Date: 07/01/2022
Site Visit: 14/12/2021	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side/rear with front dormer and rear juliette balcony, single storey rear extension, alterations to existing rear dormer roof and new first floor window at rear

Location: 15 Lyons Drive, Bury, BL8 2EA

Description

The property is a semi detached dormer bungalow. It is fully surfaced to the front providing parking. There is a gap to the side of the property providing a covered area with doors to the front. The rear garden is fenced to the boundaries and the rear backs on to 15 Eagley View and a small part to 16 Edgeworth Drive. The adjoining semi is No.13 and extended at the rear with a conservatory. To the opposite side No.17 is also a dormer bungalow and has an attached garage along the side boundary to the site.

The application includes a two storey extension at the side with a flat roofed dormer to the front slope. The extension would come out 2.3m at the side set back 2m from the front at ground floor. It would run along the side for 10.3m of which 2.9m would project beyond the rear elevation for 3.4m across. At this point the extension would reduce to single storey across the rear for the remainder up to the boundary. To the rear the existing dormer would have the pitched roof removed and replaced with a flat roof to tie into the two storey rear extension. The extensions would form a utility and extended kitchen at ground floor and an additional bedroom with ensuite at first floor.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 18/11/21 and a further letter was sent 16/12 regarding the plans updated to show existing dormer. One response has been received from a nearby neighbour the concerns are:-

- The solid side wall will block light to conservatory windows

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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

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 design - The two storey side extension would be built up to the boundary. The roof would extend down set back 0.7m from the eaves to the front and the ground floor would be set 2m back. Given this and the site location towards the top end of the cul de sac with a staggered building line it is not considered that terracing would be an issue in this instance at this particular site.

The side extension would have a pitched roof running from the main roof and forming a side gable wall. The dormer to the front would be flat roofed and of a size and design in keeping with the existing front dormer. To the rear the two storey would have a dual pitched roof with patio doors at ground floor and a Juliette balcony window above. The existing rear dormer would have the pitched roof removed and replaced with a flat one to tie in with the new extension. The single storey to the rear would be flat roofed with stone

coping and a lantern roof light. Materials would be roof tiles and off white render to match.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

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 and the existing drive can accommodate this.

Residential amenity - The proposed two storey would run along the side to No. 17 which has an attached garage at the side and the proposed extension would not run to be as deep. It would project beyond the front of No.17 however with the garage to the side there would be no significant impact on the main windows.

In relation to the adjoining No.13 the proposed extension would be single storey and 2.9m deep. No.13 is extended with a conservatory therefore the proposed single storey would not cause any significant impact and comply with the criteria as set out in SPD6 which deems 3m as acceptable. The proposed single storey would see some impact on the windows to No.13 as the current conservatory would change to solid wall. A material consideration is also that a single storey extension up to 3m deep can be constructed under permitted development.

There would be a distance in excess of 7m from the proposed juliette balcony window at the rear to the boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The issues regarding the impact on the affected neighbouring properties are addressed in the above report.

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 numbered ZT21-196-00, ZT21-196-01, ZT21-196-02, ZT21-196-03, ZT21-196-04 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.

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<u>Case Officer</u> JL	<u>Date</u> 19/01/22	<u>Sign off Officer</u>	<u>Date</u>
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