

DELEGATED REPORT

Report by Amanda

Date of report: 29/03/2023

Ref:69218/FUL

Uhunmwagho

Registration: 31/01/2023

LDfC: 24/03/2023

Expiry Date: 28/03/2023

Site Visit: 01/03/2023

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/two storey rear extension

Location: 27 Parkhills Close, Bury, BL9 9HB

Description

The application relates to a two storey detached house with garage to the side. There is a small open plan garden to the front and one parking space. At the rear there is a private garden with fences to all boundaries. There are multiple trees to the rear garden.

Planning permission was previously granted at this site on 11/10/2021 and most of the outer walls of the approved extension have been built. On the whole the proposed development remains as approved with the only difference being that there would be an additional first floor extension to the rear. The rest of the development would remain as approved in application ref 67458.

The proposal is to build a two storey side extension and a single/two storey rear extension. At the rear the single storey extension would project 5.31m from the original rear elevation and it would measure 4.69m wide. It would have a mono pitched roof.

There would also be a two storey extension to the rear projecting 1.5m from the original rear elevation and measuring 4.63m wide. It would have a pitched roof.

To the southern side the two storey extension is being built set back from the front elevation of the main dwelling by around 4.6m. It measures 2.81m wide and 9.65m long. There would be one first floor window to the side which would be to a bathroom. At the rear it would measure 3.1m wide and it would project 3.89m past the rear of the proposed two storey extension to the rear. The roof would be pitched.

A small patio area with wall along the lawned garden would be constructed to the rear of the extended property.

Relevant Planning History

67458 - Two storey side extension; Single storey/two storey rear extension - Approved with conditions 11/10/2021.

Publicity

4 neighbours notified on 02/02/2023 - One neighbour sent an email advising that they had been notified of the planning application by their neighbour, but have not received a letter from Bury Council. Therefore, they have not had the opportunity to make comments. They also noted that it looks like a letter went to a property on Parkhills Road, rather than Parkhills Close where they live.

They commented that the extension which is currently being built has blocked light to their

bathroom meaning they need to use a light during the day. They have further concerns regarding privacy where a window, not far from their bathroom window may have views in to that room.

They ask why they have not been given the opportunity to comment on the current planning application and also on the previously approved planning application in 2021. They also questioned their right to light and privacy.

Following the email from the neighbour a consultation letter was sent out to them on 02/03/2023 and they were given 21 days to make comment. They were also contacted by telephone.

An explanation and apology was given regards the fact they had not been sent a consultation letter at the start of the process for the current application, as well as for the one previously approved. It appears letters had been sent to Parkhills Road instead of Parkhills Close. This only affected the one neighbour. All other neighbours were notified correctly.

With regards to the previously approved application it was explained to them that had they submitted an objection at the time, regards the impact on their bathroom window to the side elevation of their property, the decision would still have been the same and the application would still have been approved. This is due to a bathroom window being classed as a non-habitable room. They appeared satisfied with the explanation and have not gone on to submit any objections to the current proposal.

Statutory/Non-Statutory Consultations

None

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.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. The requirement for a set back at the front may be relaxed

- on corner sites
- on very short rows of houses
- where a property adjacent to an area of "open space"
- where there is a very irregular building line along the street
- where there are significant ground level differences
- where adjacent properties are of significantly different styles

At the front there would be no first floor set back but the whole of the extension is being built set well back from the front elevation of the original dwelling. In addition there would be a gap of around 800mm to the side boundary and a similar size gap on the side at no.29 next door. It is also noted that no.29 is a detached house of a different style. As such terracing would not be a concern in this instance.

The proposed extension would be built with material and a design that would be considered acceptable on this type of property and the finished building would not appear out of character in the existing streetscape along Parkhills Close.

The two storey rear extension would be wider than previously approved and it would not project any further than the two storey extension at no.25 next door. It would also be built with a design and finished materials that would be considered in keeping with the existing building.

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 extended property not to have any significant detrimental impact on residential amenity at those properties.
- The extension would be over 10m away from the rear site boundary.
- The two storey rear extension would not project beyond the rear elevation of the two storey extension at no.25 next door.
- The single storey rear extension would project just 900mm past the rear elevation of the single storey extension at no.25.
- The two storey side extension is set back from the two storey rear elevation of no.29 by around 1m and there is a conservatory on the rear of no.29 next door.
- There would be one first floor bathroom window installed in the side elevation adjacent to the shared boundary with no.29. This would be obscurely glazed and a condition would be added to ensure the window remains obscurely glazed at all times. As such there would be no concerns regards loss of privacy at no.29 due to the position of this window.
- The only window to the side elevation of no.29 is a first floor bathroom window. Light access to this window would be restricted but as a bathroom is classed as a non-habitable room any impact on this window would not warrant refusal.
- At the front the two storey side extension would project just under 1m forward of the front elevation of no.29 and there would be a gap to the shared boundary of around 800mm. With this in mind, and that the site is due north of no.29 it is considered that there would be no significant detrimental impact on residential amenity at the front of no.29 next door.
- The drive length in front of the side extension would be sufficient enough to park one vehicle on site.
- The site is positioned north of no.29 Parkhills Close. As such any impact on daylight to no.29 would be considered minimal and would not warrant refusal of the proposal.

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 5 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 originally had a drive to the front and a garage to the side. As such parking spaces on site would be reduced. However, there is on street parking available close by and the site is close to local transport routes and amenities. In this instance then the parking arrangements are considered sufficient.

Response to neighbour comment -

The neighbour's comments have been addressed in the publicity section of the 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 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.
- 3 Before the first occupation of the extension hereby permitted the first floor bathroom window on the south side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 This decision relates to the proposed site plan and drawings numbered Sheet 1 Rev 3, Sheet 2 Rev 2, Sheet 3 Rev 5 and Sheet 4 Rev 3 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in 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>
AU 29/3/23		DM 29/3/23	