

DELEGATED REPORT

Report by Mo Warsame	Date of report: 11/05/2023	Ref: 69479/FUL
Registration: 21/03/2023	LDFC: 24/04/2023	Expiry Date: 16/05/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Front porch; Two storey side extension; Single storey rear extension

Location: 2 Orchid Drive, Bury, BL9 9EL

Description

The property is a semi-detached dwelling with a drive to the front, a garden and a detached garage to the rear. The adjoining neighbour is No. 4 Orchid Drive and to the opposite side and separated by a public highway are properties No. 175a and 175b Gigg Lane. There are no properties directly to the front and No.186 Gigg Lane is located to the rear of the site.

The planning permission is sought for the construction of a two-storey side extension and single storey rear extension along with a new front porch. The proposed two-storey side extension would project 4 metres to the side and run 8.2 metres to the principle rear elevation. The single-storey rear extension would project 4.3 metres to the rear and run for 8.5 metres. The front porch would measure 3.2 metres in length and extend 1.3 metres to the front.

The development would have pitched roof to the side and mono-pitched roofs to the front and rear. The proposal would accommodate a porch, lounge, toilet, and a new open plan kitchen/diner on the ground floor level along with two additional bedrooms and a new bathroom on the first floor.

Relevant Planning History

68729 - Front porch; Two storey side extension; Single storey rear extension - Refused 11/11/2022.

Publicity

Neighbour letters sent on 29/03/2023. No objections received.

Statutory/Non-Statutory Consultations

NA

Pre-start Conditions

N/A

Unitary Development Plan and Policies

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

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original dwelling. The proposed two-storey side extension would have no set back. However, given the property's corner location together with the proposed front porch and the rear extension, the proposed development would appear subservient.

Situated on a corner plot, the proposed development would be visible from the street scene. SPD 6 states, that side extensions on corner plots should maintain a gap of at least 2

metres to the side boundary with the adjacent highway. The proposed two-storey side extension would have a setback of approximately 1.03 to 1.24 metres from the boundary. Whilst this would be more than the 0.5 metre setback submitted on previous application (68729) it would still be below the guideline set by SPD 6 and therefore fail to respect the character of the street scene. As such, it would detract from the character of the area and would not comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The two-storey side extension would have two non-habitable side windows on the ground floor and one habitable side window on the first floor facing the public highway and the extension would not project beyond the existing footprint of the building.
- The proposed single-storey rear extension would have no proposed windows on the sides and would project 4.3 metres to the rear. SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. Following the assessment of the 45° rule there would be no detrimental impact on the adjoining neighbour. Furthermore, taking in to account the Larger Homes Scheme and that the adjacent neighbour has not objected the projection of 4.3 metres along the shared boundary would be considered acceptable in this instance.
- To the rear, the proposed development would be facing towards the front garden of No.186 Gigg lane. However, there would a setback distance of more than 14 metres to the shared rear boundary. This exceeds the 7 metres required by SPD 6. Therefore, there would be no detrimental impact in terms of overlooking and privacy.
- The proposed front porch would be a relatively small and would not be classed as a habitable room. Additionally, there are no properties in front of the dwelling, as a highway separates the playing fields of Bury All Stars and the site. therefore, there would be no serious impact on residential amenity.

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal will result in two additional bedrooms on the first floor, however there will be no changes to site access or parking. The current parking conditions meets the maximum parking requirements.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would be seriously detrimental to the character of the area by reason of its size and position and its close proximity to the adjacent highway. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated 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>
MW	11/05/2023	DM	15/05/2023