

DELEGATED REPORT

Report by Helen Pressley	Date of report: 13/03/2023	Ref: 69212/GPDE
Registration: 05/01/2023	LDFC: 26/01/2023	Expiry Date: 16/02/2023
Site Visit:	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: NREQ

Proposal: Prior approval for proposed single storey extension

Location: 5 Grundy Lane, Bury, BL9 9BZ

Description

A prior approval application for a larger home extension, to a two storey brick and tile dwellinghouse.

The application is for a single storey rear extension, with flat roof. The extension would project beyond the original wall by 5 metres, have an eaves height of 2.6 metres, and an overall height of 2.9 metres. The proposal would extend along the boundary with the neighbour to the south (no. 7 Grundy Lane). The proposed extension would extend 5 metres beyond the original rear elevation of No. 7 Grundy Lane, and 7.3 metres beyond the original rear elevation of No. 3 Grundy Lane. The proposed extension would have a single window within the rear elevation.

A neighbour has objected to the proposal and this objection is detailed below. As an objection has been received, the regulations require that the impact of the proposed development on the amenity of all the adjoining addresses must be assessed.

Relevant Planning History

41843 - Single storey rear extension - Refused 03/02/2004

Publicity

Neighbour letters sent 05/01/2023 to adjoining addresses. One objection received in relation to:

- Can't get access to the website.
- Loss of sun coming into garden which is used daily through the summer.

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

Unless a formal written objection is received from any of notified addresses as prescribed by the regulations, within the prescribed 21 days following the date of such notification prior approval will not be required as the proposed development complies with all the limitations and conditions of Part 1 Class A of the GPDO (as amended).

The dwelling is not Listed nor is it in a Conservation Area.

There is no enforcement and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development Rights have not been removed.

The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

The proposal would not extend beyond the rear wall of the original dwelling by more than than six metres.

The proposed development would not extend beyond a wall which forms the principal or a side elevation of the original dwelling and fronts a highway.

The overall height of the proposal would not exceed four metres and the height to the eaves would not exceed three metres.

Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class A to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Second Report Post Objection

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 proposed extension would be located to the rear of the property, which is bounded by residential gardens to the side, and an area of recreation space to the rear. The proposed extension would have a flat roof, however as the proposal is not visible from the street scene it is considered that the introduction of a flat roof would reduce the overall height of the extension therefore limiting the impact of the proposal on the amenity of the neighbouring properties. The extension is of a simple and unobtrusive design, which would not detract from the character of the property and the use of matching materials is considered to be appropriate. The proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space.

It is therefore considered that the proposal complies with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

The nearest rear ground floor habitable room window of No. 3 would appear to relate to a dining room. Whilst the proposed extension would be located approximately 1.8 metres off the shared boundary with No. 3, the proposed extension would still impact on a 45 degree line as taken from the mid-point of this window. If an extension impact on this 45 degree line then SPD 6 requires an assessment of the height of the proposed extension on a 25 degree line - however, the proposed extension would project beyond the rear of an original two storey outrigger that already impacts on this 25 degree line and as such the introduction of a single storey extension would have no greater impact. The location of the proposal in relation to the orientation of the sun also needs to be considered. The proposed extension is located to the south west of this window detailed above. As such the sun path would remain largely unaffected by the proposed extension with the rear windows of No. 3 still receiving unimpeded natural sun light for the majority of the day.

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The nearest ground floor window of the attached property at No. 7 would appear to relate to a kitchen which is a non-habitable room. The nearest ground floor habitable room would also relate to a dining room, and this is located to the west of the original two storey outrigger of that property. It is considered this two storey outrigger would have more of an impact on this habitable room window than the proposed single storey rear extension.

When assessing the proposal on the amenity of the neighbouring gardens, as above the proposed extension would be located to the south west of the garden of no. 3 and as such would have limited impact in terms of receipt of unimpeded natural sun light for the majority of the day. The extension is also sited approximately 1.8 metres off the shared boundary with No. 3 and this property would still retain approximately 6.4 metres of garden beyond the rear elevation of the proposed extension. Similarly the neighbour at No. 7 would also retain a garden space of approximately 8.5 metres that would not be adjacent to the proposed extension.

In this instance, it is considered that the fall back position of what could be built under permitted development rights is also a material planning consideration. The applicant could construct a 2 metre fence or wall along either boundary, without the need for planning permission. It is considered the additional 90cm in height proposed, particularly in relation to the garden of No. 3 which is located 1.8 metres off the boundary with the proposed extension would have minimal impact on the amenity of that neighbour in terms of impact on their garden space.

As such the proposal complies with the intentions of SPD 6 which requires the location of the extension to be taken into consideration.

There are no side additional windows or doors proposed. The proposed rear window would be screened from the recreation space to the rear by existing rear boundary treatments and trees outside of the control of the applicant. As such, no loss of privacy is foreseen.

Response to neighbours

The proposal has been assessed in terms of residential amenity within the main body of the report and complies with both UDP Policy H2/3 and SPD 6.

Other Matters

As an application for Prior Approval a condition for the time limitation for the commencement of development by virtue of Section 91 of The Town and Country Planning Act cannot be imposed as this application is not an application for planning permission.

Recommendation: Prior Approval Required & Granted

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	13/03/2023	DM	13/03/23