

DELEGATED REPORT

Report by Amanda

Date of report: 15/01/2025

Ref:71423/FUL

Uhunmwagho

Registration: 05/12/2024

LDFC: 10/01/2025

Expiry Date: 30/01/2025

Site Visit: 09/01/2025

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: Proposed First Floor Extension Over Garage

Location: 11 Chatton Close, Bury, BL8 2UE

Description

The application relates to a previously extended two storey property located set well back in a corner position at the head of Chatton Close. It is accessed via the side of no.9 and there is a large parking area to the front of the house. There are garden areas to the front, side and rear of the dwelling. Ainsworth Road is to the rear of the site, which is a very busy main road. There are bungalows to the north east of the site, on Ashington Drive and properties on Chatton Close are all two storey.

The proposal is to build a first floor extension above the existing garage to the west of the main dwelling. It would measure 7215mm x 6950mm and the roof would be pitched to the same height as the existing ridge. The front elevation would be set back from the front elevation and the proposed finished materials would be to match the existing building. The extension would provide a new bedroom, dressing area and en-suite bathroom.

Relevant Planning History

63707 - Single storey extension at front/side and single storey extension at rear; Alterations to windows/door to front elevation - Approve with Conditions 12/03/2019.

71289 - Lawful development certificate for proposed garden room in domestic property garden - Lawful Development 20/11/2024.

Publicity

7 neighbours notified on 16/12/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and P/E Policies 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 application property is located set back in a corner position at the head of a small cul-de-sac, with limited visibility from Chatton Close to the north west. Properties on Ashington Drive to the north east have a clear view of the existing property, but as the

extension would be to the west side of the dwelling views of the extension would also be fairly limited.

There is a main road to the rear of the site. As such the property would be partially visible from the south. There is existing planting to the rear boundary which screens much of the ground floor of the dwelling. The extension would be visible from the rear, but as it would be built with materials and a design that would be considered in keeping with the existing building, and it would be adjacent to other two storey properties it would not have any significant detrimental impact on the character of the existing streetscape. The design of the proposal is considered acceptable in this location.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- Directly to the rear is Ainsworth Road. A busy main road with properties to the opposite side which would be well over 20,000mm away from the application dwelling.
- There would be around 9500mm from the rear boundary which would be no closer to the boundary than the existing building.
- At the front there would be around 15,500mm from the front elevation to the shared boundary with no.9 Chatton Close to the north. The new bedroom window to the front would result in some overlooking to the rear corner of the garden at no.9, but the separation distance to the boundary would be more than acceptable in terms of SPD 6.
- There would be no windows to the west side elevation adjacent to no.6, and the gap to the boundary would remain as it is now. There does not appear to be any habitable room windows to the side elevation of no.6 and the upper floor window at that property is obscurely glazed. As such it is considered that there would not be any significant detrimental effect on residential amenity at this property.
- Properties to the north east on Ashington Drive are a sufficient distance from where the proposed extension would be built not to have any significant detrimental impact on residential amenity at those properties.

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 as existing has a large drive to the front of the site which could accommodate more than 3 vehicles. The proposed extension would be built above the existing garage. As such it would not have any detrimental impact on the existing parking arrangements within the site. The area also has on street parking and there is public transport available nearby. 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 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 ZT24-196-01, ZT24-196-02, ZT24-196-02.5, ZT24-196-03, ZT24-196-04 and ZT24-196-04.5 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 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, and Places for Everyone Joint Development Plan listed.

- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 15/01/2024		DM 20//1/25	