

DELEGATED REPORT**Report by** Amanda**Date of report:** 08/12/2022**Ref:**68915/FUL

Uhunmwagho

Registration: 12/10/2022**LDfC:** 15/11/2022**Expiry Date:** 07/12/2022**Site Visit:** 15/11/2022**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:** Single storey front/side/rear extension; Front porch**Location:** 9 Warlingham Close, Bury, BL8 2QN**Description**

The application relates to a previously extended two storey detached house situated at the head of a cul-de-sac. To the front of site the area is fully paved providing on site parking for at least 2 vehicles. There are hedges to either side boundary at the front. To the rear there is a conservatory and an area of decking directly to the rear. There is a dormer to the rear of the property. Directly to the rear site is Bexley Drive.

The proposal is to build single storey extensions to the front, side and rear as well as a front porch. The front/side extension would measure 3.23m wide x 6.37m long. A new porch would be constructed adjacent in the gap between the existing building and the proposed extension. The roof would be hipped to the front and side of the existing building and the existing front entrance would be removed and a small window installed in its place.

At the rear the single storey extension would project 4m from the original rear elevation and it would measure 11m wide. The roof would be flat with a single rooflight to the centre. The walls would be finished in brick to match the existing dwelling.

Relevant Planning History

N/A

Publicity

Neighbours notified on 24/10/2022 - No comments or objections received.

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.

The extensions would be built with materials and a design that would be considered in keeping with the existing property and also with other properties along Warlingham Close. It is therefore considered there would be no significant detrimental effect on the character of the existing streetscene.

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 -

- There would only be around 4m from the rear elevation of the proposed single storey rear extension to the site boundary. As the extension would be single storey only any views from the new room would be over the applicant's own rear garden and towards the existing boundary fence and not directly towards other properties.
- On the opposite side of the rear boundary fence is a road only (Bexley Drive). Properties to the rear are more than a sufficient distance from where the rear extension would be built not to have any significant detrimental impact on residential amenity at those properties.
- There would be around 2.5m from the north side elevation to the shared boundary with 11 Warlingham Close. As there would be no windows in the side elevation facing no.11 there would be no concerns regards residential amenity at that property.
- There are no properties directly to the front of the site which would be affected by the proposed development.
- The single storey front/side extension would provide a ground floor bedroom which would have a window to the front and side elevations. Views from the front window would be over the drive way on site and towards existing planting along the shared boundary with no.7. If the planting were ever to be removed views from the new window would be over the drive at no.7 only and not directly towards the property. As such it is considered that there would be no significantly detrimental impact on residential amenity at the front of no.7 next door.
- The secondary window to the side of the extension would be around 6.1m to the shared boundary with no.7. Normally a separation distance of 6.5m would be expected from a ground floor habitable room window to a shared boundary, as set out in SPD 6. The separation distance would be around 400mm less. However, taking in to account that there is an existing 1.8m high boundary fence along the shared boundary any views from the side window would be over the applicant's garden only and it would not overlook the property next door.
- The front porch would not project forward of the main elevation. As such it would not have any significant detrimental effect on the existing parking arrangements at the front of the site.

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 4 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 an area at the front for parking at least two vehicles and this would remain following the extensions being built. The proposed front/side extension would be set back from the existing parking area and as such would not have any significant detrimental impact on parking arrangements within the site.

The proposed porch would extend forward to meet the existing front elevation of the dwelling which would result in the loss of a small area of hardstanding. However, it would still be possible to park at least two vehicles within the site boundaries and there are no parking restrictions to the highway in front. The area is high access in terms of public transport. 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

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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 BB340_A, BB340-01-B, BB340-101 and BB340-101-A 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.
- 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 - 08/12/2022		DM	12/12/2022