

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/03/2025	Ref: 71544/FUL
Registration: 23/01/2025	LDFC: 21/02/2025	Expiry Date: 20/03/2025
Site Visit: 14/03/2025	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension and new flat roof and with lantern to existing rear extension

Location: 14 Wavell Drive, Bury, BL9 8PG

Description

The property is a two-storey semi-detached house. It has a drive to the front and a large garden to the rear. The attached property is No. 12 Wavell Drive and No. 16 Wavell Drive is situated on the opposite side.

Planning Permission is sought for a first-floor side extension and a single storey side extension. The proposal would accommodate two additional bedrooms, one on the first floor and a play room on the ground floor. The single storey side extension would project 4 metres to the rear and run 7.75m to the side. The first-floor extension would extend 2.8 metres to the side and run to the principal rear elevation. The first floor element would also have a setback of 1.05m from the front elevation and a setback of 0.45m from the side. The proposed development would have pitched roof over the proposed first extension and flat roofs with a sunroof lantern over the single storey side extension and the proposed front porch. The development would utilise the use of matching materials.

Relevant Planning History

58701 - Prior Notification for a single storey extension at the rear - Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
Prior Approval Required and Granted
18/06/2015
15/0276 - Not being built in accordance with the approved plans - 14/07/2015

Publicity

Neighbour letters sent on 31/01/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

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

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 PfE 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.

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.

The proposed single storey rear extension and first-floor side extension would both have simple and unobtrusive designs that would not detract from the character of the dwelling.

The proposed development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. The first floor would be set back from the front elevation by less than 1.5m however, given the distance off the side boundary, the set back would sufficiently mitigate against terracing.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There are minimum impact on overlooking and privacy to the rear of the property as there are sufficient separation distance to the rear boundary from the proposed first floor habitable room. Therefore the extension would comply with the adopted guidance in SPD6.
- The proposed extension does not project beyond either the front or rear building lines and therefore the 45-degree rule would not apply.
- There are no new side windows proposed.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. Considering the Larger Homes Scheme and the fact that the adjacent neighbour has not objected to this application, the proposed projection of 4m to the rear would be considered acceptable.
- In terms of the general prominence and impact on daylight the proposed extension is set at an angle away from the shared side boundary and is to south-west of No 9. Given the positioning, orientation and size of the extension there would be minimum impact on this neighbour's property.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal will result in two additional bedrooms and there will be minimal changes to the parking layout. Therefore, the driveway would meet the maximum parking requirements.

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 1 and 2 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 Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW 19/3/25		DM 19/3/25	