

DELEGATED REPORT

Report by Amanda

Date of report: 16/08/2024

Ref:70917/FUL

Uhunmwagho

Registration: 08/07/2024

LDFC: 07/08/2024

Expiry Date: 02/09/2024

Site Visit: 09/08/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor side extension

Location: 41 Alexander Drive, Bury, BL9 8PF

Description

The application relates to a two storey semi-detached house with an attached garage to the side and a porch to the front. At the front there is a small garden with a low brick wall along the front and a single car driveway in front of the garage. Access to the rear garden is via a shared path to the side of the garage. The garage has previously been partially converted to create a playroom to the rear.

To the rear there is a single storey extension and a small flat roof dormer. The garden has fences to all boundaries. There is an area of decking directly to the rear of the house and a second area of decking at the end of the garden. No.43 next door has a garage and single storey extension alongside the shared boundary.

The proposal is to build a first floor extension above the existing garage. The overall length at ground floor level would be 6442mm which is what it currently measures. At first floor the extension would measure 2567mm wide x 5842mm long and there would be a front set back of 600mm. The roof would be hipped to match the existing roof and the single storey section to the front would have a mono-pitched roof.

Relevant Planning History

44584 - TWO STOREY SIDE EXTENSION; SINGLE STOREY EXTENSION TO FRONT/SIDE; SINGLE STOREY REAR EXTENSION & CONSERVATORY AT REAR - Approve with Conditions 23/06/2005.

Publicity

6 neighbours notified on 16/07/2024 - No objections received. One comment received enquiring how the extension would affect the right to light at the neighbouring property and whether it would impede access to the shared access ginnel between the two properties.

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 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.

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 proposed development would be built with materials and a design that would be considered to be in keeping with the existing building.

Normally where a two storey extension would be adjacent to a boundary with another property SPD 6 requires that there should be a first floor set back at the front to prevent terracing in a row of properties where terracing is not the norm. In this instance there is a shared access path in between the application property and No.43 Alexander Drive next door. This is an area that is highly unlikely to be developed in the future as it is used by two neighbours. The path measures 900mm wide, according to the drawings.

The original proposed drawings showed the extension would be flush to the front elevation. Despite the fact that there is a path in between the two properties it was considered that the first floor needed to be set back. However, in this instance the 900mm gap in between the two properties has been taken into consideration and revised drawings were requested showing a first floor set back of at least 600mm. Revised drawings were submitted showing the 600mm set back. It is considered that although the set back would be less than 1500mm when you add the set back of 600mm to the 900mm gap between the two properties it equates to 1500mm. This, along with the fact the roof would be hipped away from the southern boundary is considered to be sufficient enough to ensure that terracing with No.43 next door would not be a concern in the future, should the owner of that property choose to extend in a similar manner. In this instance the 600mm set back at first floor level from the original front elevation means the proposal is considered acceptable in terms of 'terracing' and the effect on the 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 -

- At the rear the extension would be more than 7000mm from the rear boundary and the proposed first floor window in the rear elevation would not be to a habitable room. This distance would be acceptable in terms of SPD 6.
- At the front the new first floor bedroom window would be less than 7m to the front boundary, but it would face onto the highway only and it is considered that it would not have any more of an impact on residential amenity than the existing first floor bedroom windows at the front do already.
- Properties to the front would be an acceptable distance from the front of the extension not to have any significant detrimental effect on residential amenity at those properties.
- As the extension would be to the south side of the property there would be no detrimental impact on residential amenity at No.39 Alexander Drive attached to the north side.
- No.43 Alexander Drive is south of the application property. There is a garage and single storey extension at ground floor level and three windows at first floor level, which all appear to be to non-habitable rooms. There would be no new windows installed to the side elevation of the extension. As such there would be no concerns regards loss of privacy at this property.
- The site is due north of No.43 As such it is considered that there would be no significant detrimental effect on the path of sunlight to this property given it would travel past the south side of the properties. Daylight would be partially restricted to windows at the side of No.43 by the existing dwelling so the proposed extension would not have any more of a detrimental effect than the existing building does now. It is also taken into consideration that the first floor windows to the side of No.43 do not serve habitable rooms.
- As the extension would be to the first floor there would be no impact on existing parking arrangements at the front of 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 3 to 4 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 a vehicle and this would remain following the side extension which would be set back from the front of the property. The area is high access in terms of public transport and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

Response to neighbour comment -

An email was sent to the neighbour on 12/08/2024 advising them about right to light and that the extension would be built directly above the existing garage, therefore not restricting the current use of the shared path in between numbers 41 and 43 Alexander Drive. No further comments received.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 and ZT24-196-02 received on 08/07/2024 and drawings numbered ZT24-196-03 and ZT24-196-04 received on 15/08/2024 as modified by the email from Thorp Design Services Ltd dated 15/08/2024. The development shall not be carried out except in accordance with the details 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	16/08/2024	DM	19/08/2024