

DELEGATED REPORT

Report by Amanda

Date of report: 14/01/2021

Ref:66054/FUL

Uhunmwagho

Registration: 15/10/2020

LDfC: 27/01/2021

Expiry Date: 10/12/2020

Site Visit: 18/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side and rear extension

Location: 32 Inglewhite Close, Bury, BL9 9NT

Description

The property is a two storey semi-detached house with gardens to the front and rear of the dwelling. There is a drive way to the front and side of the existing house with a detached garage in the rear garden.

The proposal is to build a two storey extension to the side/rear of the property and a single storey extension on the rear. The garage in the rear garden would be removed.

The plans show that the extension would project 2.1m to the side and it would be set back from the front elevation of the porch by approximately 3m. It would have an overall length of 10.54m and across the rear it would measure 7.97m wide.

At the rear the single storey section would project 5m from the existing rear elevation. The proposed first floor element would project 3m from the existing rear elevation and it would be built 1.65m away from the shared boundary with the attached neighbour.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 21/10/2020 - One objection received from the neighbour at 34 Inglewhite Close. See below.

The proposals make the property too large & out of scale with the neighborhood.

I'll lose privacy. The rear extension overlooks rear gardens.

The rear gardens will be shaded by the extension.

I am concerned that the property may be used as a HMO due to its size.

The Main National Grid Cadent gas transmission pipelines cross properties' rear garden & may be disrupted/damaged by the building work.

The waste water drain pipe is within 2m of the existing rear of the property & may be damaged,

I am concerned regarding the increased flood risk. The property is within the River Irwell flood zone.

Is the building work COVID secure?

I'm concerned about the disruption caused by the building work, ie noise, congestion by builders vehicles. I will be adversely affected as I'm working from home, & am due for a operation and will require peace & quiet for convalesce.

incorrect info has been supplied on the plans, 3 cars and a often a horse box is parked outside. (not I car/driver).

Statutory/Non-Statutory Consultations

Cadent (Gas pipeline) - No objection. Standing advice as informative.

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 -

The proposed extension would be built with materials that would compliment the existing building. Much of the extension would be to the rear of the original dwelling and set back at the side by approximately 3m from the front of the porch there would be no seriously detrimental effect on the character of the existing street scene.

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 -

Directly to the rear of the site are the drive way and playing fields belonging to The Derby High School only and neighbouring properties to the front would be over 20m from the proposed extension. With this in mind there would be no detrimental impact on residential amenity at properties to the front or the land to the rear.

Impact on No.34 The neighbour at no.34, north-west, has objected to the proposal on grounds that the extension would be too large and out of scale, would overlook their property and the rear garden would be overshadowed.

Although the extension would be to the south-east of No.34, the gap across the boundary and the relative position means that it is angled away from the neighbour and as such any windows in the rear elevation of the extension would not have any direct views over no.34. There would be one ground floor obscurely glazed window and a door in the north side elevation only. A condition would be added to the decision advising that this particular window should be obscurely glazed. As such there would not be any seriously detrimental impact on privacy levels between the two properties.

There would be some overshadowing of the neighbour at No.34, mostly during the morning. However the impact would not be significant given the size of the rear gardens at these properties and during the afternoon, the neighbour's house itself would cast the main shadow at the rear. Given the relative position of the extension in relation to No.34 any detrimental impact on the rear garden would not be so significant as to warrant refusal of the application.

The '45° rule' as set out in SPD6 would be satisfied in respect of the proposed two storey side/rear extension and relevant windows at No.34. On the rear elevation the nearest ground floor window to the shared boundary appears to be to a kitchen and the second ground floor window further over, also appears to be to the same room. At first floor level the closest window is a bathroom and to the side elevation there is an external door and a small non-habitable window only. As the extension would be angled away from the shared boundary it is considered that there would not be any seriously detrimental impact on these windows.

Impact on No.30 The attached neighbour at No.30 Inglewhite Close has not been extended to the rear and there are ground floor patio doors to a habitable room adjacent to the shared boundary. The single storey element of the extension would project 5m from the existing rear elevation of the property. Although SPD 6 states that single storey extensions on attached properties should not project more than 3m along a shared boundary the larger homes scheme has to be considered. In terms of the larger homes scheme a homeowner could potentially build a single storey extension on an semi-detached property projecting up to 6m along a shared boundary as long as a neighbour does not object. As the attached neighbour has not objected to the proposal the projection of 5m would be acceptable in this instance.

In addition to the above the site is due north of the attached neighbour and as such any impact on light would be negligible.

The original plans submitted with the application showed that the side elevation of the first floor extension would be 1.14m away from the shared boundary with no.30 and the 45° rule would be compromised. With this in mind revised plans were requested and subsequently received on 08/12/2020. The revised plans show that the first floor side elevation would be 1.63m from the shared boundary with no.30.

The revised proposed extension would compromise the 45° rule by approximately 170mm, according to the revised plans. In some circumstances it may be considered acceptable even if the 45° rule would be compromised. In this case it has been taken in to consideration that the site is positioned north of no.30 and that this neighbour has not objected to the proposal. The additional projection of 170mm beyond the 45° line would be considered minimal and would not have any more of an impact on residential amenity than if further revised plans were requested in order to satisfy the 45° rule.

There is currently a parking space for one vehicle to the front of the site. There is a detached garage in the rear garden with hardstanding in front. However, access to this is already blocked off by a fence (albeit damaged) with a pedestrian gate for access to the rear garden.

At the front of the extension there would be a drive length measuring 7.4m in length. The extension would provide an extra bedroom increasing the bedrooms from three to four. SPD 11 advises that in general if a property has four bedrooms then a minimum of three spaces would normally be required. In this case the property is owned by a single family, the property is close to a local bus route and shops and schools. There are also no parking restrictions to the highway in front. With this in mind there would be no seriously detrimental impact on parking arrangements at this property.

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 and the 45° rule from nearest relevant window of no.34 Inglewhite Close to the north of the site.

Cadent (Gas pipeline) - Cadent have no objections to the proposal but request an informative be attached to any approval setting out guidance in relation to works in the vicinity of the gas pipeline.

Response to neighbour objection -

Most of the neighbour's objections have been addressed in the report above.

There is no evidence in the plans submitted that the property is to be used as an HMO but even if it were to be used as such the property could be converted to an HMO for up to 6 occupants without the need for prior planning approval.

The neighbour showed concern about possible flooding in the future. The area has been subject to flood risk and is in a flood risk area. However, the Environment Agency have been installing and are still completing their flood defence scheme which would result in the area being protected. This scheme alone would not increase area flood risk and the proposals would utilise existing infrastructure for surface water disposal.

One objection is in respect of the building process itself and the impact that it will have on noise and congestion. They advise they work from home and would require peace and quiet for convalesce. They advise they work from home and would require peace and quiet for convalesce. During any kind of building works a certain amount of noise and disruption would be expected. This scheme is not of a scale that would give rise to anything

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extraordinary and localised issues arising would be subject Environmental Pollution Control considerations under the Env Protection Act

They advised that incorrect info has been supplied on the plans, 3 cars and a often a horse box is parked outside, not one car. This has been addressed in the residential amenity section above.

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 drawing numbered SHT 1 of 2 received on 12/10/2020 and revise drawings numbered SHT 2 of 2 and SHT 2a of 2 received on 08/12/2020 as modified by the email from I.Planning Services dated 08/12/2020. 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 Unitary 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.
- 4 Before the first occupation of the extension hereby permitted the ground floor window on the north side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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/TB	14/01/2021	DM	14/01/2021