

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/08/2022	Ref: 68394/FUL
Registration: 18/05/2022	LDFC: 17/06/2022	Expiry Date: 13/07/2022
Site Visit: 13/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear; Front porch

Location: 20 Parkstone Close, Bury, BL8 2UR

Description

The property is a two storey detached house located on a residential estate. It has a garden to the front and drive along the side leading to a detached garage. To the rear the house is extended with a conservatory. The neighbouring property to the west side is No.22 a detached house with a blank wall to the site side and to the rear it is extended with a conservatory. To the opposite side No.18 is set back from the site and extended at the rear with a conservatory. To the rear the site garden borders the rear garden to 74 Haslam Hey Close.

The application includes a single storey entrance porch infilling the corner to the front of the property 1.6m deep and 3m across. A single storey extension would project 4.4m deep across the rear elevation linking to the garage and running out across for 2.7m up to the boundary. The extension would form a kitchen and the garage converted to a guest room.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. The concerns in summary are :-

- Materials are not specified. Should be done using the same size, shape, and colour of materials on the property.
- Question regarding if any trees will be removed has been answered falsely. A Silver Birch tree will be removed as part of the alterations to the front entrance and garden. Tree breaks up our view of the house and the dark brickwork.
- Size of the wall and small window will greatly increase the amount of brickwork viewed.
- Intrusive and remove privacy and value from our property
- No other property has a similar design or appearance.
- Restrictive covenants ensure uniformity of design, external appearance, and protects the estate and its residents.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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.

Visual amenity and design - The front porch would be an infill to the front corner of the property set back slightly from the front elevation and with a monopitch roof. The single storey where linked to the garage would be set back 6.7m from the main frontage and have a monopitch roof. A parapet wall to the side has been included as the original submission proposed a sheer front brick wall sloping at the rear and which was considered to be of an unacceptable design. The section of the proposed extension to run across the rear would have a monopitch roof with a window and doors to the rear. Materials are noted as brick and tile therefore a standard matching condition is added.

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The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposal would reduce part of the drive in length however there would still be a length of approximately 11.9m and parking for 2 cars which would be acceptable. The plans note the intention to widen the dropped kerb therefore an informative is added. This may require the removal of the tree to the front garden however it is not protected by a preservation order or a specimen worthy of one.

Residential amenity - The single storey would run as blank wall along the side of No.22 in the area where this property is extended itself with a conservatory. Certificate B has been completed.

To the opposite side No.18 is set back from the site at the rear and its conservatory comes almost level with the two storey rear of the site. The site then has a conservatory which would be replaced with the extension approximately 0.2m deeper and with the side wall blank. As such the proposal would not have any more significant impact than at present.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The issue regarding design is addressed in the above report. Impact on the relevant neighbouring properties with regard to the criteria as set out in SPD6 is addressed in the above report.

A standard matching materials condition is added.

The tree to the site front garden is not indicated to be removed and is located in front of the area the porch is proposed. It is however not subject to a Tree Preservation Order therefore the applicant may remove it if they wish.

Property value is not a planning matter.

Any restrictive covenant would need to be enforced by the land owner.

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 RAD/2630/22/1/Rev C 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

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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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	04/08/22		