

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/11/2022	Ref: 68687/FUL
Registration: 02/09/2022	LDfC: 27/09/2022	Expiry Date: 28/10/2022
Site Visit: 20/09/2022	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: Two storey extension at side with front porch; Part single/Part two storey extension at rear; Formation of parking area at front with new vehicular access and erection of gate/fence

Location: 2 Westgate Avenue, Ramsbottom, Bury, BL0 9SS

Description

The property is a two storey bay fronted semi detached house. It has a garden to the front and there is no off street parking. To the rear the house has a bay window and single storey across part of the elevation and a fenced garden. The adjoining semi is No.4 and has patio doors to the party wall side and bedroom window above. To the side the site borders the rear gardens to properties at 40, 40a, 42 and 42a Longsight Road and to the rear is the rear garden to 38a Longsight Road.

The application includes extending out two storey at the side infilling the area to the deeper section at the side with the porch removed. A new porch to the front would come out 0.6m deep for 1.5m across. To the rear the existing single storey would be removed and a two storey extension would come out 4.8m deep for 3.6m across where it would then reduce to single storey for the remainder across. The extensions would form a hall, extended kitchen/dining room at ground floor with an additional bedroom, bathroom and ensuite at first floor. To the front a new vehicular access would be formed creating two parking spaces in the garden and 1.2m high metal gates/fence would run along the frontage.

Relevant Planning History

67238 - Two storey side extension; Two storey/single storey rear extension; Hip to gable roof conversion at side; Roof extension at rear; New driveway and access to front - AC 22/11/2021

Publicity

Surrounding neighbours were notified by letter and two responses have been received from nearby neighbours. Their concerns in summary are :-

- 2 storey extension will overlook our back garden which will affect our rights to privacy and enjoyment.
- Blocking of sunlight throughout the afternoon/evening
- Appendix 2 (para 5) of SPD6 states plans and drawings are very important and are needed so that not only the Council understands the proposal but also any persons consulted, including neighbours. Plan 0694PCD/22 shows only limited contextual information in terms of the relationship with no 4 Westgate Av. It includes no such information in respect of properties on Longsight Road (particularly no.s 40A and 42). Application should not be approved until this information has been provided and all neighbours given the opportunity to properly consider it.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions for the implementation of the parking arrangements and storage of materials.

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 proposed two storey side extension would leave a gap to the side boundary of approximately 2m. It would have a hipped roof extending from the existing ridge and running along the side with a hipped roof to the two storey rear and a monopitch to the single storey. The front porch would have a dual pitched roof and would not project excessively at the front. Materials for the extensions would be matching brick to the lower walls with render to the first floor and roof materials to match. The new fencing/gate along the front boundary would be at a height of 1.2m and of an open design

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 increase the number of bedrooms from 2 to 3 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 2 parking spaces. The site as existing has no off street parking and the proposal would create two spaces to the front with the new drive area surfaced in permeable materials. The parking would then be sufficient. The area also has on street parking and there is public transport available.

Residential amenity - The properties to the side of the proposal, 42 and 42a Longsight Road, have been extended single storey to the rear. SPD6 Aspect Standard distances are taken from original rear elevations rather than extensions. There would be a separation distance in excess of the 13m required by SPD6 between the proposed side wall of the extension and the original rear elevations of 42 & 42a. There would be windows to the proposal to the first floor side to an ensuite, study and bathroom. The study is an existing window however currently a bathroom. All 3 of these windows are noted on the plans to be obscure glazed. A condition is added to ensure they are retained as such.

The attached property, No. 4 has not been extended to the rear. Where adjacent the boundary the proposed single storey rear extension would project 4.8m deep with the side blank wall. No objection has been received from this property and a material consideration is the larger homes scheme which could allow a deeper single storey. As such the proposed projection is considered to be acceptable. Where two storey the proposed extension would be set approximately 2.8m in from the boundary. Taking a 45 degree line out 1m along the shared boundary it would encroach by approximately 0.8m. Given the set in from the boundary and that the gardens to the properties are north facing it is not considered that the additional 0.8m would have a significant impact that would give grounds for refusal. Again noting no concerns raised by No.4. The side elevation of the first floor would also be blank wall.

There would be a distance well in excess of 7m from the proposed first floor window to the rear boundary.

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 neighbour objection/comments

As addressed in the above report the proposal complies with SPD6 Aspect Standards in order that there would be sufficient separation distances between the site and relevant neighbouring properties to prevent the proposal being an overbearing development or reduce privacy to any unacceptable level.

The agent has provided plans to dimension the distances to neighbouring properties to ensure that the proposal complies with SPD6 Aspect Standards. This additional information does not change the scheme in terms of the size of the proposed extension. With no significant change there would be no requirement to issue further neighbour notification letters.

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 the revised drawings 0693PCD/22, 0694PCD/22 and gate specification received 26/10/22 and proposed gate section plan received 24/10/22 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 listed.
- 3 Before the first occupation of the extension hereby permitted the 3 windows to the first floor east side elevation shall, as noted on approved plan 0694PCD/22, 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.
- 4 The access and car parking arrangements indicated on approved plan reference 0694PCD/22 Revision C received 26/10/22, incorporating the provision of a new footway crossing incorporating edging to demarcate the limits of the adopted highway, inward opening gates and boundary fence with foundations that do not encroach under the adjacent adopted highway, 7.5m long hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be provided to the satisfaction of the Local Planning Authority prior to the new driveway hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and

DELEGATED REPORT

Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	04/11/22		