

DELEGATED REPORT

Report by Jane Langan	Date of report: 15/03/2022	Ref: 67588/FUL
Registration: 12/01/2022	LDfC: 14/03/2022	Expiry Date: 09/03/2022
Site Visit: 24/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey rear extension; First floor side extension; Conversion of existing garage to living accommodation

Location: 88 Valley Mill Lane, Bury, BL9 9BY

Description

The property is a two storey town house. It has a garage at the side which is attached to the site property and also an adjacent apartment block. To the front the site has a drive and small garden. To the rear it is extended with a conservatory and there is a patio from the house. The rear lawn is at a higher level with steps up and a retaining wall. Along the side and rear boundaries is timber fencing. The rear boundary backs on to a road, Alfred Street, and there are terraced houses across this. The south side of the site is attached to the 3 storey block of apartments which project deeper at the rear than the site. To the opposite side is No.86 which is adjoining but angled away to the north east. This neighbouring property has a drive to the front adjacent that to the site and is extended single storey at the rear.

The application includes a first floor extension above the garage which would be converted to a dining room. To the rear the conservatory would be removed and a two storey extension constructed 4.1m deep across 12.5m of the rear elevation. The ground floor would project single storey a further 1m deep for 10m across. The extensions would form an extended kitchen and new lounge. At first floor 3 extended bedrooms and an additional one.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 12/01/22. A further 21 day letter was sent on 21/02/22 regarding the addition of a pitched roof to the first floor extension and updated site plan. One response has been received to the original notification from a nearby neighbour. They are in support of the proposal and their comments in summary are:-

- Would like you to approve this application
- Applicant contacted a few months ago and explained in full the proposed plans
- No objections when he explained them to me and I still have no objections

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 proposed first floor extension would have a pitched roof and this is a revision to the flat roof originally submitted. The pitched roof would extend out from the existing ridge and eaves line. To the rear the roof would be hipped to the two storey with a monopitch to the deeper section at ground floor. Materials are noted to be as existing. For the avoidance of doubt a standard matching condition is added.

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 4 to 5 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 a drive to the front of the garage and further hard surfaced area and small lawn to the front of the entrance door. It is proposed to remove the brick wall and steps at the front and re surface in a porous material to allow for a further space. With this additional space and public transport available in the area the parking arrangements are then considered sufficient.

Residential amenity - The proposed first floor the would run adjacent the 3 storey apartment block and the two storey rear would come out as further 4m in depth. The 3 storey block is deeper at the rear and the proposal would extend to be level. Certificate B has been completed, with 2 addresses, in respect of the encroachment.

No.86 is angled away from the proposed two storey rear extension and has a single storey extension running along the boundary with the site.

To the rear there would be in excess of 7m to the boundary and the site property is located at a significantly lower level than the rear lawn and fencing.

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.

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 01 Revision 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 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.

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<u>Case Officer</u> JL	<u>Date</u> 15/03/22	<u>Sign off Officer</u>	<u>Date</u>
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