

DELEGATED REPORT

Report by Mo Warsame	Date of report: 22/07/2024	Ref: 70741/FUL
Registration: 28/05/2024	LDfC: 20/06/2024	Expiry Date: 23/07/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: single storey extension at side/rear along with loft conversion and velux loft windows to the front and rear

Location: 33 Elton Fold Chase, Bury, BL8 1PW

Description

The application relates to a detached, two storey dwelling located on a corner plot of a residential street of similar properties. The premises has gardens to the front and rear, with a garage to the front/side. Access to the property is obtained from Elton Fold Chase.

Planning permission is sought for the erection of a single storey extension at side/rear along with loft conversion and velux loft windows to the front and rear.

The proposed side/rear extension would project 900mm to the side and 3350mm to the rear. The proposed loft conversion would include no dormers and would instead have velux loft windows to the front and rear. The proposed extension would have a pitched roof and the overall development would be constructed with matching materials. The proposal would facilitate an open plan dining/living on the ground floor along with an additional bedroom with ensuite bathroom in the loft via the loft conversion.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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 PpE 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.

Visual amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed single storey side/rear development would have a simple and unobtrusive design that would not detract from the character of the dwelling. The proposed loft conversion with the velux roof lights would also be acceptable and could be achieved via permitted development. Overall, in terms of scale, design and setting, along with the use of matching materials, the development would not overwhelm the existing dwelling or result in over development of the associated amenity space. Therefore, the proposed development would therefore comply with SPD 6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, there would be there would be 12 metres from the rear windows of the proposed side/rear extension and more than 15 metres from the proposed loft velux windows to the shared rear boundary. Moreover, the development would be further shaded by the existing high scrubs and trees at the rear of the site. The proposed side window would be facing towards a highway but it would also be shaded by the existing high fencing to the side. There would be no proposed side windows on the opposite side facing the adjacent neighbour.

SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The extension would project 3.35 metres. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 3.35 metres along the shared boundary would be acceptable.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 Dwg No. ZT24-196-03, Dwg No. ZT24-196-04, Dwg No. ZT24-196-08 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	22/07/2024	DM - 22/07/2024	