

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/10/2022	Ref: 68641/FUL
Registration: 11/08/2022	LDFC: 02/09/2022	Expiry Date: 06/10/2022
Site Visit: 07/09/2022	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 extension at side; Single storey extension at side/rear; Loft conversion with rear dormer; Create additional parking to front driveway; Front canopy

Location: 103 Holme Avenue, Bury, BL8 1HW

Description

The property is a semi detached house with garden and a drive to the front and timber panel fencing along the front boundary. To the side is a flat roofed single storey utility/store. To the rear is a garden with some fencing/planting to the boundaries and beyond the rear boundary open land. The adjoining property is No.101 and is extended single storey at the rear. To the opposite side No.105 is a semi detached house and has a flat roofed single storey to the side.

The application includes a two storey extension at the side coming out 2m and running from the existing front to rear elevations. A canopy would be added to the full width of the front elevation and a pike detail to the main roof at the front. The existing and extended first floor walls would be rendered white. To the rear of the existing and extended roof slope a flat roofed dormer would be added to create two bedrooms in the roof space. To the rear a single storey extension would come out 4m deep and extend across the existing and extended rear elevation. Two bedroom windows to the first floor rear would be replaced with a juliette balcony. A widened drop kerb would provide additional parking to the front.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

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

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 would be extended to within 0.8m of the side boundary. With the adjacent No.105 sitting at an angle and forward of the site it is not considered that there would be potential for terracing. The side wall would form a gable with the new roof running from the existing hipped roof. Whilst the roof design would then differ from the adjoining property it would be the same as the unattached No.105 which has a side gable. Hip to gable roof extensions are also often constructed under permitted development.

The front elevation would see some change including the addition of the canopy across the front and pike detail to the middle of the roof. The ground floor to the extension would be matching brick and the first floor would be finished in white render.

To the rear the dormer would be flat roofed and clad in dark grey upvc. It would have limited view from the main street. The single storey extension would be flat roofed with two roof lights and sliding doors to the rear. The walls would be finished in brickwork to match the existing house.

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 3 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 scheme includes the widening of the existing drop kerb and a new driveway in porous asphalt would see 2 parking spaces. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient

Residential amenity - The adjoining No.101 is extended single storey at the rear and the proposed single storey would then project less than 3m from its rear elevation. The proposed two storey would run along the side to the unattached No.5 but would not project past its front or rear elevations and as such would not impact on its principle windows. This neighbouring property is angled away from the site and with a gap between it and the site and there would be no encroachment across a 45 degree line from the mid point of its closest rear window.

There are no properties directly to the rear and the would be over 10m to the boundary from the rear dormer.

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 1, 2 '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 pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The access and car parking arrangements indicated on approved plan reference 2 Revision C, incorporating the provision of a double footway crossing, 5.1m minimum 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 and extensions 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.

- 4 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 Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	21/10/22		