

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 16/12/2021

**Ref:**67695/FUL

Uhunmwagho

**Registration:** 21/10/2021

**LDfC:** 26/11/2021

**Expiry Date:** 16/12/2021

**Site Visit:** 30/11/2021

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Two storey side extension, first floor rear extension with loft conversion/rear dormer and single storey front extension with first floor balcony

**Location:** 11 Redmere Drive, Bury, BL9 9GB

**Description**

The proposal relates to a two storey detached house situated on a corner plot on Redmere Drive with Astbury Close to the north side. There is a very small open plan garden area to the front with private garden to the rear. There is a drive way to the side with a detached garage to the rear (attached to a second garage belonging to the neighbour at no.9 next door). There is a gate to the side of the property for access to the rear. There is a brick wall along the north side boundary with fence to the rear. The property has an existing single storey extension to the rear.

The proposal is to build a two storey side extension, first floor rear extension with loft conversion/rear dormer and single storey front extension with first floor balcony.

At the front the single storey extension would project a total of 1667mm forward of the original front elevation and it would measure 5549mm wide. It would be set in from the north side elevation by around 584mm and there would be a balcony at first floor level above accessed from a bedroom.

To the south side the extension would project 2908mm from the original side elevation and it would measure 8246mm long. This extension would provide a second lounge and utility room at ground floor level and two bedrooms to the first floor. There would be windows to the front and rear elevations only.

The applicant also intends to build a first floor extension above the existing single storey rear extension which is adjacent to the northern boundary. It would be built directly above the existing extension to extend an existing bedroom. There would be one window to the south side elevation of this part of the extension.

In addition to the above the proposal also includes a loft conversion with dormer. The proposed plans show that the roof extension/dormer would be across the whole of the rear of the roof as well as the rear extension. The dormer roof would measure approximately 9487mm along the north side boundary and the plans show that it would not be set in from the walls below.

**Relevant Planning History**

21/0395 - Change of use of residential garage to hot food takeaway -

**Publicity**

Immediate neighbours notified on 04/11/2021 - No comments or objections received.

## **Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

## **Unitary Development Plan and Policies**

SPD6      Supplementary Planning Document 6: Alterations & Extensions  
H2/3      Extensions and Alterations

## **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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

**Visual Amenity -**

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

In terms of SPD 6 there is generally a presumption against larger extensions on the front of properties. This is to ensure that the character of the street scene is maintained but sometimes smaller extensions may be acceptable on the front a property. The proposed ground floor extension with balcony above would result in a large structure which would extend across the whole of the front of the original building. This would be considered over dominant on the front of the dwelling and incongruous with the streetscape. The balcony would be completely out of character with the existing property as well as with other properties in the area and as such it would be considered incongruous in the street scene and therefore seriously detrimental to the character of the existing street scene.

In addition to the above SPD 6 states that extensions which would be built close to a boundary with a highway should be set back at least 2m from the boundary. At its closest point the front extension and balcony would be around 600mm from the north side boundary and under 2m for the most part along the front. This would be unacceptable in terms of SPD 6.

The property would also be extended at first floor level to the rear directly adjacent to the boundary with Astbury Close. The proposed drawing shows that this part of the extension would be well under 1m from the side boundary which would result in a large expanse of brick wall, two storeys high very close to the highway. The north side elevation of the original dwelling is close to the boundary but it is considered that the addition of the first floor extension to the rear would result in the property appearing overbearing when viewed from the north. The first floor extension to the rear is therefore unacceptable in terms of SPD 6.

The applicant also intends to extend the property upwards with a dormer to create 2 bedrooms and a bathroom in the roof space. Proposed drawing no.72\_08 shows that the dormer/roof extension would be built straight up from the eaves which would overhang the outer wall of the building below. It also appears that the roof of the dormer would be built above the ridge of the existing roof. In effect, although the drawing shows that part of the cheeks to the 'dormer' would be angled in slightly it would result in a three storey flat roof dwelling to the rear which would be under 1m from the boundary to the north. The extended building would be considered overbearing, incongruous and totally out of character in the existing street scene and as such it is not considered acceptable in term of visual amenity in this area.

The proposed two storey side extension would be built flush to the existing front and rear elevations with no set back to the first floor at the front. The application dwelling is at the end of a short row of three properties along this stretch of Redmere Drive and no.9 next door has been extended to the side. Taking this into account and that the proposed extension would project slightly forward of the extension at No.9 and as such there would not be any concerns in terms of terracing with this neighbour. Unfortunately as the proposed rear dormer would be built above the side extension it could not be built separately and as such cannot be approved.

If the proposal is approved it would result in a very large, dominant, bulky building which would more or less fill the site and given the position of the property the building would be openly visible from the north and east of the site.

Taking all of the above in to account the proposal is not considered to be in keeping with the existing building or with other properties in the area and as such it does not conform to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

**Residential Amenity -**

- Properties to the north on Astbury Close would be just over 15m from the side elevation of the extended property. As the only new window to the north side elevation would be an obscurely glazed bathroom window there would be no concerns regards residential amenity at these particular properties.
- The side elevation of 1 Astbury Close faces the rear elevation of the application dwelling. This property would be approximately 12.5m from the proposed dormer and windows in the rear elevation of the dormer would be under 10m from the shared boundary. In terms of SPD 6 10m would normally be required from a second floor window to a shared boundary. However, given that there are no habitable room windows to the side of 1 Astbury Close the lesser distance of approximately 9.4m may be acceptable in this instance.
- In terms of the impact of the two storey side extension on residential amenity at no.9 Redmere Drive any impact would be minimal given that the side extension would project less than a metre forward of the front elevation and it would not project beyond the elevation of the extension to the rear of no.9.
- SPD 6 states that first floor habitable room windows should be at least 7m from a shared boundary. As the proposed windows to the south elevation of the first floor rear extension and dormer would only be approximately 5.6m to the shared boundary with no.9 next door this would be considered seriously detrimental in terms of overlooking/privacy to the rear of this neighbour and unacceptable in terms of SPD 6.
- The proposed extensions to this property would result in over development of the site, leaving little amenity space to the front and rear of the dwelling.
- There would be a single parking space to the front of the side extension which would measure just over 4m at its longest point and under 4m to the north side. This would be unacceptable in terms of SPD 6 which states a drive way should measure at least 5m in length.

The proposal does not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties and inadequate drive length to the front of the extension.

**Parking -**

The proposal would increase the number of bedrooms from 3 to 7 would suggest an increase in traffic and parking. SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered and this suggests a maximum of 3 parking spaces.

The site as existing has a drive to the front/side along with a detached garage at the rear. The proposed side extension would be built to the front of the garage restricting vehicular access to this building and reducing the drive length to the front of the property to less than the 5m minimum required. No supporting evidence has been submitted with the application to give reasons why only 1 parking space would be acceptable at a property with 7 bedrooms. As such the scheme cannot be supported.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which

could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

**Conditions and Reasons:**

- 1 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed balcony to the front of the property and large flat roof design to the rear/side of the building is neither appropriate to, nor sympathetic with the existing structure, and would be considered seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposal would result in the creation of a sub-standard access onto the adopted highway from the dwelling, which would be seriously detrimental to road safety and maintaining the free flow of traffic. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 4 The proposed windows to the dormer and first floor rear extension would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of 9 Redmere Drive and 1 Astbury Close by reason of the sub-standard distances between habitable windows on the proposed extension and dormer and the boundaries with these properties. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated 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> |
|---------------------|-------------|-------------------------|-------------|
| AU -                | 16/12/2021  | DM                      | 16/12/21    |