

DELEGATED REPORT

Report by Amanda

Date of report: 17/11/2023

Ref:70151/FUL

Uhunmwagho

Registration: 09/10/2023

LDfC: 08/11/2023

Expiry Date: 04/12/2023

Site Visit: 06/11/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; Single storey front & rear extensions

Location: 15 Walshaw Walk, Tottington, Bury, BL8 3JS

Description

The application relates to a dormer style semi-detached house at the end of a row of semis along Walshaw Walk. As the address suggests there is only pedestrian access to the front of the site. To the west there is an area of grassland which has footpaths to either side. At the rear of the site there is a vehicle access road to the rear of the properties on Walshaw Walk as well as to properties on nearby Birchen Bower Walk and Acresbrook Walk. The site has garden areas to three sides with fences to all boundaries. There is also a garage outside of the rear boundary.

The proposal is to add a two storey side extension as well as single storey front and rear extensions. The extensions would provide a ground floor bedroom, en-suite, utility room, wc, dining room to the rear and a porch to the front. At first floor level there would be two new bedrooms.

The front porch would project 1.35m x 2.71m wide and it would have a pitched roof. At the side the extension would project 3.18m from the side of the original building and would measure 7.67m long. The roof would be pitched and there would be flat roof dormers to the front and rear to match the existing building. At the rear the flat roof single storey extension would project 3m from the original rear elevation x 8.58m wide.

Relevant Planning History

N/A

Publicity

4 neighbours notified on 18/10/2023 and 1 neighbour notified on 19/10/2023 - No comments or objections received.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Normally SPD 6 requires a 2 storey extension to be built at least 2m from a boundary with a

highway. Given that land to the west of site is grassland with a public footpath and that the extension would not be the full height of a common two storey property it is considered that the lesser distance of around 1m to the side boundary would be acceptable in this location.

The extensions would be built with materials and a design that would be considered to be in keeping with the existing building and surrounding dwellings. As such it would not have any significant detrimental impact on the character of the existing streetscene.

Given the above the proposal conforms 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 -

- At the front there would be around 4m from the new first floor window to the boundary, but taking the width of the public footpath into account there would be around 7m from the proposed first floor habitable room window to the side/rear boundary with no.6 Prenton Way. This distance would be acceptable in terms of SPD 6 and therefore it is considered that there would be no significant detrimental effect on residential amenity at this property.
- The front porch would be classed as a non-habitable room As such the separation distance from it to properties opposite would be considered acceptable.
- The porch would be positioned away from the shared boundary with no.13 Walshaw Walk next door so it would not have a significant detrimental impact on residential amenity at that property.
- At the rear the new first floor bedroom window would be around 11m from the rear boundary, which would be acceptable in terms of SPD 6.
- The side extension would be around 11m away from the single storey side extension at no.1 Birchen Bower Walk to the north west and around 13m from the original two storey side elevation. In addition the extension would not directly face this property. As such there would be no significant detrimental effect on residential amenity at that property.
- There would be around 8m from the rear of the single storey extension to the rear boundary and it would project 3m along the shared boundary with no.13 attached to the application property. These distances would be acceptable in terms of SPD 6.
- The development would be more than a sufficient distance from the side of no.2 Birchen Bower Walk to the rear, and that property is separated from the site with a access road.

The proposal conforms 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.

Parking -

The proposal would increase the number of bedrooms from 3 to 6 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 no on site parking at all, but does appear to have use of a garage to the rear of site. This would not change once the extension would be built. There are public transport routes close by. As such in this instance then the parking arrangements are considered sufficient.

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 ZT23-196-01, ZT23-196-02, ZT23-196-03 and ZT23-196-04 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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>
AU - 17/11/2023			