

Description

The property is a two storey bay fronted semi detached house. It has garden and a drive to the front. To the side and rear it has been extended single storey. The adjoining property is No.29 and is extended single storey across part of the rear in the area that runs along the shared boundary. Adjacent this it is extended two storey. To the opposite side the unattached No.25 is extended two storey at the side and two/single storey at the rear. To the rear the site boundary is screened by planting and borders the rear gardens to 6 & 8 Meadfoot Avenue.

The application is a revised scheme to approved 69197. The alteration is the addition of a 1.2m deep by 3.9m wide single storey front extension to the entrance with steps down.

The application now comprises of a two storey extension at the side coming out 2.3m. The ground floor would extend out by 1.4m, with the remainder out to 2.3m being supported by pillars, and then retaining a ground floor gap to the side. The two storey would run along the side and past the rear elevation for 4.4m and then extend 4.6m across. At this point the two storey would reduce in depth to 2.2m across to the boundary. At ground floor, to the party wall side, a single storey would project out a further 4.9m for 3.7m across. The extensions would form a studio, extended kitchen/dining area and a sukkah at ground floor. At first floor would be an extended bedroom, two additional bedrooms and a bathroom.

Relevant Planning History

69197 - Two storey rear extension and Part single/Part two storey side extension - AC 17/02/2023.

Publicity

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

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 single storey front extension would not project excessively at 1.2m deep. The plans were revised to relocate the steps in order to retain the existing driveway. It was suggested to the agent that a hipped roof would be more in keeping with the property and surrounding area however the applicant wishes to retain the design of a dual pitched roof. Many of the properties on the street have front porches and whilst the majority are hipped there are some dual pitched. On balance it is not considered that the current porch design would give grounds for refusal.

The proposed two storey side would have a hipped roof set below the main ridge. It would be built up to the side boundary however with the first floor front set back 1.5m terracing would not be an issue. Where projecting past the rear elevation the two storey would be flat roofed. The sukkah would also be flat roofed with a roof light. The flat roofed areas of the proposal would not be visible from the main street view. Materials would be to match the existing.

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 site as existing has a drive to the front for the parking of one vehicle. The proposal has been revised to relocate the porch steps in order that the existing parking can be retained as is. The area also has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The adjoining No.29 is extended single storey at the rear. The proposed two storey would then effectively be as single storey to single storey in terms of the first floor windows to No.29. The proposal would project less than 3m from the rear of

the first floor to No.29 at 2.2m deep. The proposed single storey to the boundary with No.29 would project less than 3m from the rear ground floor of No.29 as extended. SPD6 deems 3m as acceptable.

To the unattached No.25 the proposed two storey side would run along its extended side elevation. Where the proposal would project as two storey at the rear it would not encroach a 45 degree line taken from the mid point of the first floor rear window to No.29. The first floor side elevation of the proposal would have a bathroom window and there would be two kitchen windows and a studio one at ground floor along the walkway. No.25 has obscure windows to the side and, with the close proximity that the two properties would be, a condition is added for the proposed side windows to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor bedroom window to the rear boundary.

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.