

DELEGATED REPORT

Report by Jane Langan	Date of report: 07/03/2023	Ref: 69313/FUL
Registration: 02/02/2023	LDFC: 01/03/2023	Expiry Date: 30/03/2023
Site Visit: 13/02/2023	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: First floor extension at side and garage conversion

Location: 3 Claybank Drive, Tottington, Bury, BL8 4BU

Description

The property is a two storey detached house. It has garden and a drive to the front and a single storey attached garage at the side. To the rear it is extended single storey and there is an area of raised decking leading out with the lawn at a lower level. The neighbouring property to the side of the proposal is No.5, a detached house. To the rear the site boundary borders the rear gardens to 3 & 5 Leigh Close and the houses are around a storey lower.

The application includes the conversion of the garage to a playroom/study/gym. Above a first floor extension would add a bedroom. The front drive would be extended to add an additional parking space.

Relevant Planning History

44239 - Single storey rear extension - AC 19/04/2005.

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

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 proposal would see the garage door replaced with a window in keeping to the existing ones along the ground floor front elevation. The proposed first floor would be built to within approximately 1.4m of the side boundary. The front and rear would be set back 0.5m from the existing front and rear elevations. As such terracing would not be an issue and in addition the property on a short row of 3. The roof would be pitched forming a side gable wall. Materials would be 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 4 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 that can accommodate 2 vehicles and the proposal includes adding a 3rd space by widening the parking area with the drop kerb retained. The drive slopes down towards the property and therefore water would not run off on to the highway. An informative is added regarding the use of porous/permeable materials or natural drainage. The parking arrangements are then acceptable.

Residential amenity - The proposed first floor would run along the side elevation to 5 Claybank Drive. This property has windows to the side at ground and first floor. Whilst there would be some impact in terms of loss of light to these windows the proposed extension being to the side would not impact on the principle windows to the main aspects

of this neighbouring property. There would be one window to the ground floor side elevation of the proposed extension, to a shower room, and the plans note this to be frosted glass.

There would be a distance of approximately 11m from the proposed first floor rear window to the boundary and 25m direct to the property to the rear. This would be sufficient to comply with SPD6 Aspect Standards including taking account of the levels difference.

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 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 2022/91-01 Rev B, 2022/91-02 Rev A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	07/03/23	HL	08/03/23