

DELEGATED REPORT

Report by Jane Langan	Date of report: 22/11/2022	Ref: 68798/FUL
Registration: 14/09/2022	LDfC: 06/10/2022	Expiry Date: 09/11/2022
Site Visit: 26/10/2022	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/single storey rear extension

Location: 93 Bury New Road, Ramsbottom, Bury, BL0 0BZ

Description

The property is a bay fronted semi detached house. It has a garden and drive to the front and a gap at the side that leads round to a fenced rear garden. The adjoining property is No.95 and which sits at a higher level as the land slopes down to the west. To the opposite side No.91 is the same semi type and around half a storey lower. Beyond the rear boundary of the site a new housing development is under construction and directly at the rear the rear garden to 2 Fletcher Close.

The application proposes an extension to the rear that would be two storey and 4m deep for 3.8m across where it would then reduce to single storey for a further 1.7m across and leaving a 0.3m gap to the party wall side. It would form a kitchen/dining room at ground floor with the existing becoming a utility and shower room. At first floor would be an additional bedroom.

Relevant Planning History

45875 - Formation of vehicular crossing - AC 21/04/2006
50480 - 2.1m Boundary fence (retrospective) - AC 06/10/2008

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 proposed extension would have a hipped roof set below the main ridge and a monopitch to the single storey section.

Materials would be roof slates to match with the walls in matching brick. The windows would have stone lintels and cills to match 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 at the front for parking of one vehicle. There appears to be potential for a further space in the garden if the applicant should require it. The area has limited on street parking with bollards along the footpath. There is public transport available with a bus route immediately outside the site. In this instance then there are not considered to be any justified grounds for refusal with regard to the parking arrangements.

Residential amenity - The unattached No.91 sits at around half a storey lower and is the same semi type. There is wide gap between this property and the site and the proposed extension would be 3.6m in from the boundary. The separation is such that the proposed extension would not encroach the 45 degree line from the closest windows to the rear

elevation of No.91. The proposed first floor side would be blank wall. At ground floor there would be a kitchen window. The side elevation of the main house has an existing kitchen window and the 3.6m gap separates. There is some low fencing between the site and No.91 has a shed along the boundary. As such there would be no concerns regarding overlooking. The existing bathroom window to the rear elevation of the site would be relocated to the side and the plans note it to be obscure glazed. A condition is added for this to be retained as such.

In relation to the adjoining No.95 the proposal would be single storey adjacent the boundary and run as blank wall for 4m in depth. SPD6 deems 3m as acceptable and a material consideration is the larger homes scheme which could allow a deeper extension where no objections are received and none have in this case.

The criteria set out in SPD6 for two storey rear extension notes that where the extension would be on or adjacent to the boundary of another dwelling it should not normally project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond a 45° angle taken from the boundary at the 1 metre point. Where two storey the proposed extension would be set 2m in from the boundary and taking the 45 degree line 1m out the last 1m of the proposed 4m extension would encroach. The gardens to this property and the site are north east facing and the proposed extension would be to the north west side. With the set in of 2m and the orientation of the proposal it is not considered that the proposed two storey would cause loss of light to the windows or garden to No.95 to an unacceptable level that would give grounds for refusal. In addition, a daylight/sunlight assessment was submitted with the application that concluded there would be no significant impact to this neighbouring property.

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

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 0005/01_01 Rev A, 0005/01_02 Rev A, 0005/01_03, 0005/01_04, 0005/01_05 Rev A, 0005/01_06 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.

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- 3 Before the first occupation of the extension hereby permitted the bathroom window to the first floor north west side elevation shall, as noted on approved plan 0005/01_06, be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	22/11/22		