

DELEGATED REPORT

Report by Mo Warsame	Date of report: 12/09/2022	Ref: 68622/FUL
Registration: 30/06/2022	LDfC: 20/08/2022	Expiry Date: 25/08/2022
Site Visit: 03/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Part single/Part two storey extension at side, new parking layout and widening of dropped kerb

Location: 7 Burndale Drive, Bury, BL9 8EN

Description

The application relates to a two-storey detached house with side carport on a residential street. The front of the house is elevated above the street and within the centre of a row of 6 detached dwellings. The neighbour at No.5. (left side) has an existing side extension with a setback of approximately 1.5m, while the neighbour at No.9 (right side) is as originally built. The rear boundary has numerous small trees and shrubs. There is one off-road parking space.

Planning permission is sought for a two-storey side extension that would project out to just short of the shared boundary and have a gable roof 43cm lower than the main roof pitch. At ground floor the proposed extension would provide space for an enlarged kitchen-dinner plus an internally enclosed bin store/ cycle store with a narrow garage door. The first floor would provide an enlarged bedroom with ensuite plus a new fourth bedroom/office. Materials would match existing. There are no new side windows proposed and there would be two off-road parking spaces.

There would be a separation of 16.2m to the rear boundary, although there is no boundary treatment proposed.

It should be noted that this application is essentially a resubmission of a previous application (68263) rejected due to uncharacteristic terracing. The new proposal shows a side extension that would be set back at first floor and have a lower roof.

Relevant Planning History

68263 - Two storey side extension with gable roof plus new parking layout - Refused 22/06/2022

Publicity

Immediate neighbours notified on 29/07/2022. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to highway condition.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework
EN1/1 Visual Amenity

EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/6	Replacement Car Parking
SPD11	Parking Standards in Bury

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of

neighbouring properties, and protects the general street scene.

In terms of scale, and design, the proposed extension would be generally in-keeping with the existing house including good window fenestration. Situated at the side, the proposed extension would be readily visible from the public arena, although the proposed materials would match existing. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The gable roof for the side extension would be extended to just 5cm short of the shared boundary and be 43cm lower than the main roof pitch and be subservient to the main house which is therefore considered to be acceptable.

In terms of appearance the proposed extension would be set back 1.5m at first floor and have a roof 43cm lower than the main pitch making it appear subservient to the main house. This would mitigate the appearance of terracing, which would otherwise be created at first floor level without the set back. As such the proposals would therefore be generally acceptable within this row of six houses including alongside the immediate neighbour at No.5. which already has an existing side extension with an acceptable setback of approximately 1.5m.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, the 16.2m separation distance to the rear boundary from the proposed first floor habitable room is considered to be acceptable and complies with adopted guidance in SPD6.
- The proposed extension does not project beyond either the front or rear building lines and therefore the 45-degree rule is not relevant in this assessment.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary and is to the south of No.9. The extension would have some impact on part of that neighbour's rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation.
- The applicant submitted certificate A.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal would include widening of the existing driveway plus a new dropped kerb. There would be a new perpendicular parking space with permeable surface.

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, which requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 1 car space, and there are additional parking available on street. Given the situation and the fact there are no changes to parking layout other than driveway width, it is therefore considered that the proposed parking arrangements are sufficient.

Highways has been consulted who have stated that the parking proposed would be acceptable provided there is a minimum 4.5m width dropped kerb for two perpendicular parking spaces and a permeable surface, but not loose stone, which can be aconditioned appropriately.

The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Refuse Bins

The bins would be stored within the extension which is considered to be acceptable.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H2/3, associated guidance in SPD6, EN1/1 – Visual Amenity, and EN1/2 - Townscape and Built Design.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 1.2,3,4,5,6,8 and Location Plan, Site Plan, Existing Car Parking Plan and Proposed Car Parking Plan 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.
- 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.
- 4 The car parking as indicated on the approved plans shall have a minimum 4.5m width dropped kerb for two perpendicular parking spaces and a permeable surface, but not loose stone. The proposal hereby approved shall be surfaced, demarcated and made available for use prior to the extension. Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	12/09/2022		