

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 23/09/2024

**Ref:**70998/FUL

Uhunmwagho

**Registration:** 06/08/2024

**LDfC:** 28/08/2024

**Expiry Date:** 01/10/2024

**Site Visit:** 16/09/2024

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Part single/part two storey rear extension and two storey side extension

**Location:** 42 Fairlands Road, Bury, BL9 6QB

**Description**

The application relates to a two storey semi-detached house with bay windows to the front elevation and an open porch at the entrance. It is finished with red brick and the roof is hipped. To the front there is a garden area with a red brick wall along the front boundary. There is a driveway on site and both side boundaries are open at the front. There is a detached garage to the rear of the site and private garden with fences to all boundaries. No.44 Fairlands Road (attached) has a single/two storey rear extension and no.40, unattached to the south has a conservatory on the rear elevation.

The proposal is to build a single/two storey rear extension and a two storey extension to the side. The side extension would be built flush with the existing two storey front elevation and it would measure 1920mm wide. The side elevation would have a total length of 10,080m and the first floor would be set back from the front by 1260mm. At the rear the extension would project 3570mm from the original rear elevation and it would measure 8280mm wide. The first floor element would measure 4800mm wide. The roof to the two storey extension would be hipped, the single storey rear extension would be flat and the single storey section to the front would have a mono-pitched roof.

**Relevant Planning History**

N/A

**Publicity**

5 neighbours were notified on 06/08/2024 - No objections and one comment received. The neighbour submitted a comment stating the following;

1. Where are the extractions fans going on the side wall (if any)?
2. Access to my property at all times.
3. Driveway to be sheeted each day and all mess removed on daily bases.
4. No removal of my driveway or fencing.
5. No scaffolding/work/machinery to be undertaken on my property.
6. Don't understand the driveway measurement.
7. Longer term how are you going to manage any repairs to roof or side of building.
8. Can they change the drawings submitted without letting me know.

The neighbour stated they had already spoken with the applicant regards the above concerns.

**Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

**Development Plan and Policies**

|      |                                                             |
|------|-------------------------------------------------------------|
| SPD6 | Supplementary Planning Document 6: Alterations & Extensions |
| H2/3 | Extensions and Alterations                                  |
| PfE  | Places for Everyone                                         |

**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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The extensions would be built with materials and a design that would be considered to be in keeping with the existing building, as well as neighbouring properties.

SPD6 advises that in order to prevent the terracing of two properties in an area where terracing is not the norm a first floor set back of 1500mm would be required to the front elevation. Depending on the circumstances a lesser set-back may be acceptable.

Fairlands Road consists of two storey properties, mostly semi-detached with hipped roofs, but there are a few examples of pitched roofs and some houses have extensions. In general the building line is fairly uniformed. The original drawings showed a proposed first floor set back of 1000mm with the side elevation being around 120mm away from the shared boundary with no.40 and the roof would be hipped.

After looking at the drawings and what the applicant wanted to achieve in the proposed bathroom a compromise was reached and a set-back of at least 1200mm was requested. The revised drawings received on 19/09/2024 show a set back of 1260mm and the side wall being around 120mm. When these measurements are added together it would equate to 1380mm. This would be 120mm short of the 1500mm normally required. However, it is considered that even if the next door neighbour were to extend a similar manner in the future, as long as they also have a first floor set-back at the front terracing would not be a concern. The risk of terracing is also reduced by the fact the roof of the extension would be hipped away from the shared boundary with no.40 next door. On this occasion the design of the proposal is considered acceptable in this location and the proposed set back at first floor level from the original front elevation means the proposal is considered acceptable in terms of 'terracing' and the effect on the 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, and Places for Everyone Joint Development Plan listed.

**Residential Amenity -**

- Properties to the front would be an acceptable distance from the proposed extension not to have any detrimental impact on residential amenity.
- At the rear of the site is a car park belonging to properties on Sycamore Drive. Residential properties to the rear would be over 20,000mm away from the proposed development.
- There would be around 11,700mm from the rear elevation to the rear boundary, which would be acceptable in terms of SPD 6.
- The extension would be single storey only adjacent to the shared boundary with no.44 Fairlands Road attached to the north, which also has a single/two storey rear extension.
- At the front there would be around 7,600mm from the front boundary.
- The drawings show that the side elevation would be around 120mm off the shared boundary with no.40, unattached to the south. As such there would be no concerns regards encroachment on to land at no.40.
- Certificate A has been signed to say that all of the development would take place within the residential curtilage.
- At the front the applicant would also be removing part of the front garden area to create

further hardstanding to create a second parking space within the site. The materials are stated on the revised drawing received on 20/09/2024 as being porous which means the works could be carried out as Permitted Development. As this part of the development has not been included as part of the proposal it is assumed that the applicant's are undertaking the works to the front garden/drive as Permitted Development.

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 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 drawings show that part of the front garden would be replaced with hardstanding which would result in two parking spaces available within the site. There are no parking restrictions to the highway in front and there are public transport routes close by. In this instance then the parking arrangements are considered sufficient.

**Response to neighbour comments -**

An email response was sent to the neighbour on 19/09/2024. No further comments have been received.

The neighbour advised they have already spoken with the applicant about their concerns.

**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 ZT24-196-01, ZT24-196-02 and ZT24-196-03 received on 29/07/2024, drawings numbered ZT24-196-05 and ZT24-196-06 received on 19/09/2024 and drawing numbered ZT24-196-09 received on 20/09/2024 as modified by the emails from Thorp Design Services dated 19/09/2024 and 20/09/2024. The development shall not be carried out except in accordance with the details 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 and Places for Everyone Joint Development Plan listed.
- 3      The external finishing materials for the proposal hereby approved shall match those of the existing building.

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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 -                | 23/09/2024  | DM                      | 30/09/24    |