

DELEGATED REPORT

Report by Jane Langan	Date of report: 29/11/2022	Ref: 68913/FUL
Registration: 23/09/2022	LDFC: 21/11/2022	Expiry Date: 18/11/2022
Site Visit: 07/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension; Single storey rear extension; Formation of parking space, bin storage area at side and resiting of steps to raised garden at rear

Location: 11 Spring Close, Ramsbottom, Bury, BL0 9SQ

Description

The property is a semi detached house located on a cul de sac. It has a small garden to the front and a drive then a paved gap to the side. To the rear the house is extended with a conservatory and has a patio and then an area of garden at a raised level. To the rear is a primary school. The adjoining neighbour is No.9. To the opposite side is a narrow strip of land between the site and No.15, a bungalow which has its drive to the side to the site and an attached garage and car port.

The application includes a two storey extension at the side. It would come out 2.2m at the side set back 1m from the front elevation. It would then run for 2.7m along where it would then come out a further 1.4m in width and run to the existing rear elevation. To the rear the conservatory would be removed and replaced with a single storey extension 2.7m deep across the existing and extended rear elevation. The extensions would form a study, wc, lounge and extended kitchen and dining room at ground floor. At first floor would be a bathroom and additional bedroom.

Relevant Planning History

02747/E - Two storey extension at side and single storey extension at rear - Enquiry completed 25/08/2022

C/20711/88 - Residential development: 22 dwellings - AC 07/04/88.

Publicity

Surrounding neighbours were notified by letter on 14/10/22. An additional letter was sent on 07/11/22 regarding the planning statement as one page had been missed off the documents displayed on the website at registration stage. 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 be set back 1m from the front elevation and with a 0.7m gap to the side at the front and then widening further along the angled boundary. This would satisfy the requirements of SPD6 regarding terracing and the site is also on an irregular building line.

The proposed two storey extension would have a pitched roof set below the existing ridge and to the rear the single storey would be a monopitch. Materials would be brickwork and roof tiles to match the existing. The remaining gap to the side would provide an area for bin storage.

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 2 to 3 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 2 parking spaces.

The proposed extension would be built on the gap to the side of the property. The planning permission for the development (20711/88) included a condition requiring properties constructed without a garage to provide a hardstanding for two vehicles. It did then consider that the gap at the side of the house to be a parking space and therefore the proposal would result in the loss of parking. In these circumstances SPD6 requires the applicant to provide justification for the loss of the space. The agent was advised of this as pre application advice on the scheme as a whole was sought.

The application has included a supporting statement which raises a number of issues they note as logistical and personal which are in summary :--

- This particular plot was constructed with less drive length than most of the other properties on the cul de sac which fit 2/3 cars.
- When the houses were built it was not considered this house and No.9 were on the curve of the cul de sac
- The side of the house is very narrow when accessing through the gates and it is not easy to get a family car thorough then get children in and out and it is where the bins are stored.
- One car is parked on the drive and one at the front of the house
- Often use public transport
- Family are nearby for child care and no wish to move

The proposal would retain the existing parking space that the applicant uses at the front and the site plan notes it to be clear of the service strip. Whilst there is sufficient width to park a car at the side of the house it is accepted that the angle is such that manoeuvring from the drive would be difficult.

The area does not have parking restrictions. The cul de sac has no footpaths to the front of the properties a service strip runs along the front boundaries. Parking on service strips on this design of estates is not uncommon. The area does also have public transport.

Given the issues noted above then, on balance in this instance at this particular site, it is not considered that there are ground for refusal with regard to the loss of the gap at the side.

Residential amenity - In relation to the adjoining property the single storey would project as blank wall less than 3m from the rear elevation of this neighbouring property.

The two storey extension would run along the side to No.15 which has a car port and garage and timber fencing separates. The proposed extension would be blank wall at first floor. The ground floor would have an obscure glazed window to the wc and windows to the lounge and dining area would be at 1.5m from inside floor level and face on to the fencing and side garage wall to No.15. These two windows would be secondary ones as there would be bi fold doors to the rear the main aspect. For the avoidance of doubt, should an application come forward from No.15, an aspect standards disclaimer is added.

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

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal would not conflict with the purposes of 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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions 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 1,2,3,4,5,6,7,8,9,10 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	29/11/22		