

DELEGATED REPORT

Report by Jane Langan	Date of report: 19/07/2022	Ref: 68369/FUL
Registration: 13/05/2022	LDFC: 06/06/2022	Expiry Date: 08/07/2022
Site Visit: 06/06/2022	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 side extension; Loft Conversion with rear dormer

Location: 52 Fieldhead Avenue, Bury, BL8 2LX

Description

The property is a semi detached house located on a corner plot. It is fully surfaced at the front for parking. Part of the side elevation is extended single storey and to the rear is a conservatory and the roof has a small dormer. Along the side boundary is a low brick wall and then timber fencing which screens the side and rear garden. To the bottom of the garden is a gated access off Greenhill Road.

The application includes a two storey extension at the side. It would come 1.9m out at the side of the front elevation and run for 4.5m along where it would then come out a further 1m at the side up to the rear elevation. The ground floor would form an office with two additional bedrooms at first floor, an existing one becoming a landing. To the rear the dormer would be extended 1.73m along to form a larger store with office.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend a condition for the storage of construction materials within the site.

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 property is located on a corner plot where the general criteria within SPD6 is that there should be a 2m gap remaining from the side of an extension to the boundary with the footpath. This is in order to protect the character of the street scene and lesser setbacks may be acceptable where the site is well screened or where the prevailing pattern of development in the locality is typified by relatively shallow frontages.

The proposal would see a gap to the side of 2m at the front for the first 4.5m along and then 1m for the remaining 3.5m. Where the side wall would be within 1m of the boundary the roof would be significantly lower than the main ridge. It would also be a short length of development with only a 1m gap to the side and then the site has a lengthy rear garden. In conclusion, it is not considered that in this instance, at this particular site, the length of two storey within 1m of the side boundary would result in an overbearing or intrusive feature in the street scene to give grounds for refusal.

The proposed roof would be hipped extending from the main ridge and the section where extending out wider would be set lower. Materials would be to match the existing house. The dormer would be flat roofed extending out from the existing and tile hung to match the main roof.

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 has 2 parking spaces at the front and a further access with drop kerb to the rear should the applicant need further parking. The area has on street parking and there is public transport available. The parking arrangements are considered sufficient. The agent has confirmed the existing wall and fencing are to remain and updated the site plan. For the avoidance of doubt an informative is added to confirm this consent implies no approval for any replacement fencing.

Residential amenity - The site is on a corner plot with the closest property across Greenhill Road and approximately 26m away. To the rear there would be over 20m from the proposed first floor window to the boundary. The separation distances would comply with SPD6 Aspect Standards.

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 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 ZT22-196-00, ZT22-196-01 received 18/07/22, ZT22-196-02, ZT22-196-03 received 18/07/22, ZT22-196-04 received 19/07/22 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 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

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<u>Case Officer</u> JL	<u>Date</u> 19/07/22	<u>Sign off Officer</u>	<u>Date</u>
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