

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 09/06/2022

Ref:68199/FUL

Registration: 11/03/2022

LDfC: 12/05/2022

Expiry Date: 06/05/2022

Site Visit: 01/04/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side; alterations to driveway and new vehicular access

Location: 10 Beechwood Avenue, Ramsbottom, Bury, BL0 0BH

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. Both neighbours are as originally built although the attached neighbour at No.12 also has a shed to the rear along the boundary and the unattached neighbour at No.8 is unusually positioned set forwards with the larger windows on the side elevation (with No.8's primary windows effectively overlooking the front garden of the applicant's property). There is an existing shed to the side of the property and the rear the property has views towards Peel Brow Primary School and the valley beyond.

Planning permission is sought for a two-storey side extension that would project out 1.8m but leave space at the side of the property for movement and bins. The proposed side extension would have a gable roof carried over from the existing roof albeit slightly lower than the main pitch. Materials would match existing and all new side windows proposed would have obscured glazing. There would be a substantial separation of 13.9m to the rear boundary, although there is no boundary treatment proposed.

It should be noted that this property was recently given planning approval (67210) for a rear single storey extension that will project out by 4.6m and have a gable roof.

Relevant Planning History

67210 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 02/08/2021.

Publicity

Immediate neighbours notified by letter dated 31/03/2022 and 20/04/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions relating to storage of construction materials, car parking, bin storage arrangements, boundary alterations, footway crossing, vehicular gates, hardstanding, surface water, demarcation of adopted highway and footway remedial works.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
HT6/2	Pedestrian/Vehicular Conflict

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.

would be acceptable in terms of the design, and siting, of this development. As such, the proposed extension would be acceptable and in keeping with design Policy H2/3 with the associated guidance in SPD6 and UDP Policy HT2/4 with the associated guidance in SPD11 neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the extension is generally in-keeping with the existing house. Situated at the side, the two-storey extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing, and the roof would be slightly lower than the main roof pitch.

The side extension would be set back 1.1m from the main building line which is considered acceptable given this part of the street has a slightly irregular building line. In this respect the 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, there are no new habitable windows proposed, although there would be a new ground floor toilet/bathroom window, which is not habitable and would be obscure glazed. As such, the proposed development would not have an adverse impact upon the amenity of the grounds to the school located at the rear.

The proposed extension would be acceptable in relation to the attached neighbour at No.12 as the proposed extension would not project past the front and rear elevations and as such, the proposed extension would not have an adverse impact upon the amenity of that neighbour.

The proposed extension has been considered with regard to No.8 which is unusually positioned with side windows that are larger than the rear windows. The nearest habitable window affected is on the first-floor side elevation to a room that also has a small secondary window on the rear elevation, and at an angle is approximately 5m apart from the gable wall of the proposed extension.

SPD6 highlights the requirement for extensions to maintain a minimum distance of 6.5m between a principal window of a first-floor habitable room and a two-storey blank wall of a neighbouring property. However, side windows can be afforded less weight, the position of this window does not directly face the proposed extension (it only partially faces an existing corner of the dwelling), and the impact is mitigated by the fact there is a second window on the rear elevation.

There are no new side windows proposed except those that face No.8 and which the applicant has agreed will have obscure glazing.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the east of No.8. 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 proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways -The proposal would include the creation of a new driveway with space for two cars with a dropped kerb (together with a new 1m high timber fence). This was already approved by the Highways Team in June 2021. As such the proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion - In consideration of the above, it is considered that the proposed development

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 22-03. 06. RevA, and 22-03. 07. RevB 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 Before the first occupation of the extension hereby permitted the windows along the side elevation (bedroom, bathroom/ toilet, laundry/ utility room) at ground floor and first floor shall 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.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason: To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	09/06/2022		