

Description

The application property is a previously extended semi-detached house with gardens to the front and rear of the site. There is a short wall with railings to the front boundary and fences to both sides of the front of the site. The whole of the front is paved for parking up to 2 vehicles. At the rear there are brick walls to the north and west boundaries and a 1.6m high fence along the shared boundary with the attached property. There is a single storey extension and a small shed next to the rear boundary. Construction of the proposed extension has commenced, but works have ceased pending the planning application.

Directly to the rear of the site is a parking area for commercial buildings, which appear to have flats above. No.4 Overbrook Drive next door is not extended.

The proposal is to build a single storey rear extension. It would project 4m off the rear of the existing single storey rear extension and it would measure 4m wide. The eaves would measure 2.2m from ground level and the overall height of the structure would be 2.7m. Windows along the southern boundary would be obscurely glazed.

Relevant Planning History

- 50283 - Lawful Development certificate for proposed single storey rear extension - Refused 19/08/2008
- 50510 - Single storey extension at rear - Approve with Conditions 22/10/2008
- 22/0218 - 15/06/2023

Publicity

Neighbours notified on 20/06/2023 - One objection was received. A summary of their objections is listed below;

- Part of the extension is already built, but works have stopped pending planning approval.
- The building would be around 1 foot from their boundary fence, which would not leave room to render and paint any new wall.
- They do not want their fence removing under any circumstances.
- The proposed extension gives no mention of height or other dimensions.
- The construction company state they would be supplying additional information on submitted plans, drawings or a design and access statement. If this information comes in after the time allowed for them to comment they wouldn't be able to voice their opinion.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

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 extension would be built to the rear of the dwelling and it would be a relatively low structure with an overall height of 2.7m. As such it would only be visible from the rear gardens of neighbouring properties and would not be visible in the public realm along Overbrook Drive.

The materials would be what would be expected in terms of a conservatory and the finished walls and windows would be finished to match the existing building. As such the proposal is considered to be in keeping with the existing building.

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.

Residential Amenity -

Directly to the rear of the site, and to the north side, is a parking area. Properties to the rear are a sufficient distance from the site not to be significantly detrimentally affected by the development.

A single storey extension projecting up to 6m from the original rear elevation may be acceptable under the larger homes scheme, unless a valid neighbour objection is received. If there is an objection the building has to be assessed as per the guidance in SPD 6. The existing extension and the proposed extension would result in a total projection of 7m from the original rear elevation. As such the impact on the neighbouring property and garden at no.4 Overbrook Drive needs to be assessed.

There is an existing single storey extension projecting 3m which has a blank wall adjacent to the shared boundary with no.4 next door. The proposed conservatory would extend off the rear of the existing extension and would be set away from the shared boundary by 370mm. Most of the structure would be glazed, including the roof.

The conservatory would measure 2.26m to the eaves and the overall height would be 2.7m. As such the eaves would be around 580mm higher than the existing boundary fence with no.4. The conservatory would be considered to be a light structure which would allow light to pass through it. Taking this in to account, and that the application site is positioned north of no.4 Overbrook Drive any potential impact on the rear garden of no.4 would be minimal and would not warrant refusal of the application.

The existing extension contravenes the 45° rule with regards to the ground floor window to the rear of no.4, but with a 3m projection the structure would have been allowed under permitted development rules. The neighbour's window is to a habitable room, but there is also a window to the front elevation which serves the same room. The addition of the conservatory on the rear of the existing extension would not have any more of an impact on this window than the existing extension does already.

With the above in mind 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front of the site.

Response to neighbour objection -

- The applicant had begun work on the proposed extension, but after realising they required planning permission they ceased works pending the outcome.
- Whilst it could be difficult to maintain an elevation close to a shared boundary there are no current policies that would restrict anyone from building something right up to a shared boundary. If the applicant needs to perform maintenance works on walls close to the shared boundary and they found it difficult to access from their own garden they would need to seek the neighbour's permission to access the area from their garden. This would be a civil matter.
- Concerns about the boundary fence needing to be removed are a concern, but they would also be considered to be a civil matter which does not have any bearing on the decision.
- With regards to further information being submitted by the construction company nothing further was received.

Revised Drawing -

A revised drawing was received showing the south side elevation as obscurely glazed as well as providing more details regards the height of the structure compared to the shared boundary. As there were no other changes to the proposal there was no need to contact any neighbours.