

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 19/07/2022

Ref:68375/FUL

Registration: 26/04/2022

LDfC: 04/06/2022

Expiry Date: 21/06/2022

Site Visit: 13/06/2022

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: Part single/Part two storey extension at rear

Location: 24 Wilson Street, Pimhole, Bury, BL9 7EF

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. The dwelling has an existing front porch extension, and existing single storey kitchen extension to the rear, plus a detached garage (albeit in poor condition). The attached neighbour at No.26 is as originally built and the unattached neighbour at No. 22 has a single storey rear extension. The rear boundary has extensive tree(s) and shrubbery with no dwellings opposite.

Planning permission is sought for a part single-storey part two-storey extension. The single storey section would project 6.0m from the existing rear elevation and have a monopitch roof. The first-floor section would project 4.0m from the existing rear elevation and have a hipped roof carried over from the existing roof. Materials would match existing and include patio doors to the rear. There are no new side windows proposed.

There would also be a new front porch projecting 1.5m, 2.57 wide and 3.3m high with a pitched roof. There would be a separation of 6.3m/8.3m to the rear boundary front the ground/first floor respectively, although there is no new boundary treatment proposed.

It should be noted that the attached neighbour at No.26 simultaneously has an almost identical planning application (68374) submitted by the same agent. The two proposals combined would have a symmetrical appearance at both front and rear. Consequentially it is recommended both applications should be considered together.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 13/05/2022 sent to 3 (three) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

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

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extensions would be generally in-keeping with the existing house. Situated at the rear, the proposed two storey extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and materials would match existing. The rear elevation would have good window fenestration including acceptable patio doors. The existing tree and shrub planting along the rear boundary would further reduce the impact on the rear, which has no immediate dwellings beyond the boundary.

In this respect the proposed 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, the new first floor habitable room windows would have an 8.3m separation distance to the rear boundary beyond which is a railway line and no immediate neighbours to the rear. The proposal is considered to be acceptable and complies with adopted guidance in SPD6.

- With regards the 45-degree rule, at ground floor the proposed extension would project by 6m, the proposed extension would be acceptable in relation to both the attached neighbour (which would have an identical projection, if approved) and the unattached neighbour (which has an existing small rear kitchen extension/ non-habitable room). As such the proposed ground floor extension would not have an adverse impact upon the amenity of either neighbour.

- With regards the 45-degree rule, at first floor the proposed extension would project by 4m, the proposed extension would be acceptable in relation to both the attached neighbour (which would have an identical projection, if approved) and the unattached neighbour (for which the first floor is as originally built, and the nearest window is a non-habitable room). As such the proposed first floor extension would not have an adverse impact upon the amenity of either neighbour.

- With regards the 45-degree rule the proposed development would be conditioned to ensure that this proposed development, and the neighbouring development (68374) are both carried out together. Otherwise, if either dwelling is extended individually then there would be a detrimental impact on the other neighbour with regards to SPD6.

- There are no new side windows proposed.

- In terms of the general prominence and impact on daylight the proposed rear two storey extension is set off the shared side boundary with the attached neighbour (see adjacent application), to the south of the main house, and to the east of the unattached neighbour at No.22. The proposed 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 applicant has submitted Certificate B.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

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, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. There is no existing or proposed on-site parking provision although there is additional parking available on street with no parking restrictions while the location is within reasonable walking distance of both public transport routes and the town centre. Given the situation, it is therefore considered that the parking arrangements are sufficient.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. The proposed development would also improve the dwelling, providing a good size family home in a location close to the town centre, therefore also supporting the council's sustainable development objectives. Together with the adjacent planning application next door at No.26 if approved simultaneously the two properties would have a symmetrical appearance at both front and rear. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 Project IPS/R/24/BL97EF SHT 1a of 4, SHT 3 of 4, SHT 4 of 4 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 The proposed extension hereby approved shall not be commenced or occupied except alongside the development of the adjoining dwelling at No. 26 Wilson Street (application 68374) approved alongside this application.
Reason. To protect the residential amenity 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

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Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	19/07/2022		