

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/07/2023	Ref: 69762/FUL
Registration: 19/06/2023	LDFC: 12/07/2023	Expiry Date: 14/08/2023
Site Visit: 29/06/2023	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Roof/first floor extension to existing bungalow to form two storey dwelling; Single storey extensions at front and side; Render to external elevations; Formation of parking area at front and new vehicular access

Location: 5 Beech Grove, Tottington, Bury, BL8 4DY

Description

The property is a detached bungalow. It has garden to the front and a drive to the east side leading to a timber garage and a brick outbuilding. To the rear is a fenced garden. The neighbouring property to the east side is No.7 a semi detached house. It has a drive alongside that to the site. There is a single storey section to the side/rear which has a window to the side facing the site and the first floor side elevation has 3 windows. To the opposite side of the site is No.3, a semi detached bungalow. It has a drive and detached garage to the site boundary. There are windows to the side elevation and a single storey extension at the rear which also has a side window. To the rear the site boundary borders the rear garden to 8 Dover Close.

The application includes the addition of a first floor to the bungalow. To the east side the garage and brick shed would be removed and a single storey extension would come out 4.5m. It would extend along from the rear elevation and out at the front to the level of the existing front bay. The front elevation to the opposite side would be extended out to the same level for 3.8m across. Internal alterations would see the ground floor having living rooms, a kitchen, study and garage at ground floor. At first floor would be 4 bedrooms, an ensuite and bathroom. To the front the existing vehicular access would be reinstated and a new drop kerb created to the opposite side to the front of the garage.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and 4 responses have been received from nearby neighbours. Their concerns in summary are :-

- Site is a bungalow. Proposal to a 4 bed house is out of scale and character
- Could set a precedent for the conversion of similar single storey properties resulting in a lack of this type of property
- Loss of privacy to properties at the rear and side
- Could bedroom windows be obscure glazed
- Loss of light to neighbouring windows to property at the side
- Request single storey extension does not come closer than the current garage to side boundary
- Window to side elevation of single storey should be obscure glazed

Statutory/Non-Statutory Consultations

Traffic Section - No objection to the revised plans subject to conditions for the implementation of the new parking arrangements and storage of materials.

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.

Risks to neighbouring properties - The property is a garage with a site between the existing garage and a two storey semi detached house to the opposite side. A three storey elevation plan has been provided with a height of 11.5m and with the addition of the first floor the site would not exceed the height of the adjacent semi detached house. Alterations/extension to the rear of the property dealing with the two storey properties, the site would be located adjacent to a house to the rear of the site and would be in line with the SPD6 Alterations and Extensions to Residential Properties.

The side of the design to be materialized the proposal would take a more modern approach to the existing design and the side of the design would be flat roofed. New and existing walls would be finished in champagne coloured render and with grey composite boarding to the ground floor front elevation. The main roof would be finished in smooth grey concrete tiles and windows would be dark grey. The use of render is a popular domestic finish and the site property as existing is in need of updating. With the street having a mix of materials the proposal would not appear out of character.

The proposal is considered acceptable 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 proposal includes the drive relocated to the front of the proposed garage with a new drop kerb. The existing drop kerb would be reinstated. This is a revision to the original submission, which proposed retaining the existing drop kerb and with an additional one, following advice from Highways. The front garden would also have permeable surfacing and the site would have parking for 3 cars. The parking arrangements are then acceptable.

Residential amenity - The proposed first floor would not encroach a 45 degree line from the closest first floor window to the rear of the adjacent No.7 and the proposed single storey to this side would be around level with No.7 as extended. To No.3 the proposed first floor would not project past its front or rear elevation as extended. As such there would be no significant impact to the windows to the main aspects of these neighbouring properties in terms of loss of light.

No.7 has a window to the side elevation noted to be a dining room. To the opposite side No.3 has a number of windows along its side elevation. SPD6 affords limited weight to windows to side elevations, including those to habitable rooms. Windows along the side of a dwelling can in general be in close proximity to a neighbouring property and SPD6 seeks to protect principle windows on a main aspect.

There would be two windows to the proposed side elevation adjacent No.7, a first floor ensuite and at ground floor a secondary one to a living room. The plans note both to be obscure glazed and the ground floor window to be high level, at 1.7m from inside floor level to cill. A condition is added for the obscure glazing to be retained as such.

To the opposite side to No.3 the additional floor would be blank wall to the side and the ground floor would retain the existing side windows.

There would be a distance in excess of 7m from the proposed first floor bedroom windows to the rear boundary at approximately 12.7m.

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

The proposal complies with 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 23/724/01A, 23/724/02A, 23/724/03, 23/724/04, 23/724/05A, 23/724/06B, 23/724/07, Existing site plan 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 Before the first occupation of the extension hereby permitted the ensuite and high level living room windows to the east side elevation shall, as noted on approved plan 23/724/05A, 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.
- 4 The amended access and parking arrangements indicated on the approved plans, incorporating the reinstatement of the redundant footway crossing to adjacent footway levels and boundary wall abutting Beech Grove with foundations that do not encroach under the adopted highway, provision of a new double footway crossing, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the adopted highway and any associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, shall be implemented to the satisfaction of the Local Planning Authority before the extensions and new parking facilities hereby approved are brought into use.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 5 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

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Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	28/07/23	DM 03/08/23	