

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/01/2023	Ref: 68827/FUL
Registration: 04/10/2022	LDFC: 28/10/2022	Expiry Date: 29/11/2022
Site Visit: 17/11/2022	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: Single storey front extension; Single storey rear extension; Garage conversion; Loft conversion with rear dormer

Location: 1 Wilpshire Close, Bury, BL9 9FU

Description

The property is a new built detached dwelling within a residential area. It has a drive and integral garage to the front, along with gardens to the front and rear.

The application proposes a single storey front extension and a single storey rear extension together with garage conversion and loft conversion with rear rear dormer. The proposed single storey front extension would project approximately 2 metre from the existing living room and run for 5 metres. The single-storey rear extension would project 4 metres to the rear and run for 7.7 metres.

The front extension element would have a pitched roof while the single storey rear extension would have a flat roof with rooflight. The proposed dormer to the rear would also have a flat roof. The development would utilise the use of matching materials and would accommodate a larger hallway, a living room extension, new toilet and utility, along with an open plan kitchen/diner on the ground floor level. The proposed loft conversion with the rear dormer would facilitate two bedrooms and a bathroom.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 07/10/2022. One objection received.

Comment with following concern:

- Adverse Rights regarding the property and adjacent properties. The rear gardens of Plots 1 to 5 inc. and Plots 14 to 16 are affected by an existing adopted sewer easement that is shown hatched black on the plot plans and shown in conveyance dated 21st June 1979 referred to in entry no.3 of the Chargers Register.

Statutory/Non-Statutory Consultations

United Utilities were consulted on 21/11/2022, and no response have been received. Further email was sent on 19/12/2022 and again no response.

Pre-start Conditions

N/A

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

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.

Situated in the front the, the front extension would be visible from the street scene. However, the extension would have a rectangular, simple and unobtrusive design, which

would not detract from the character of the dwelling. The proposed single-storey rear extension and the dormer at the rear would also be modest in size and would both have flat roofs, while the front extension would have pitched roof replicating the shape and style of the original and neighbouring dwellings.

The proposed development would utilise the use of matching materials which would create a harmonious development. The proposed extensions would be considered a suitable scale and massing and would not overwhelm the original dwelling or result in over development of the associated residential amenity space.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and as such complies with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed single-storey rear extension would have no proposed windows on either side and would project 4 metres to the rear. SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. Following the assessment of the 45° rule there would be no detrimental impact on the adjoining neighbour. Furthermore, taking in to account the Larger Homes Scheme and that the adjacent neighbour has not objected the projection of 4 metres along the shared boundary would be considered acceptable in this instance.
- To the rear, the proposed development would be facing towards the rear gardens of No. 2 and No. 4 Ribchester Drive. However, given there would be over 10 metres to the shared boundary which exceed the 7 metres required by SPD 6. Therefore, there would be no detrimental impact in terms of overlooking and privacy.
- The proposed front extension would be a relatively small development and would not extend beyond the adjacent properties. Therefore, there would be no detrimental impact on residential amenity of neighbouring properties.

Overall, there would not be any seriously detrimental effect on the residential amenity of the adjacent neighbouring properties. The proposal therefore 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 increase the number of bedrooms from 4 to 5 and SPD6 requires parking spaces as set out in SPD 11 to be considered. This would then require the proposal to provide a minimum of 2 parking spaces. As such, in this instance the parking arrangements would be considered sufficient.

Response to Comments/Objections

This is a separate matter and non-planning related and therefore would have no impact on this application.

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

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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 drawing numbers 001 (Rev 1) , 002, 003 (Rev 3) 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 plus rendering as outlined in drawings submitted.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	06/01/2023		