

DELEGATED REPORT

Report by Amanda

Date of report: 27/10/2022

Ref:68759/FUL

Uhunmwagho

Registration: 08/08/2022

LDfC: 28/09/2022

Expiry Date: 03/10/2022

Site Visit: 16/09/2022

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 side extension; Single storey rear extension; Raised rear terrace and New front gate

Location: 528 Brandlesholme Road, Bury, BL8 1JH

Description

The application relates to a two storey semi-detached house. It has a long front garden with a wall and some planting along the front boundary. There is a timber fence and hedge along the shared boundary with no.530 Brandlesholme Road to the north of the site.

At the rear there is a good sized garden with fences and planting to all boundaries. There is a single storey extension on the rear of the dwelling and a patio directly to the rear of the house which is slightly raised in ground level compared to the main garden areas.

The proposal is to build a two storey side extension, single storey rear extension, raised terrace at the rear and a new vehicular access gate to the front of the site.

At the side the extension would project 2.47m from the existing side elevation and it would have an overall length of 10.86m. The first floor section would measure 8.15m long and the whole of the side extension would be set back from the main front elevation by around 400mm. The roof would be pitched.

The single storey rear extension would project 2.47m from the original rear elevation and it would measure 8.87m wide. It would have a flat roof with a raised roof lantern to the centre. There would be an overhanging canopy along the rear of the extension projecting around 1m from the rear wall.

The dwelling on site has a slightly higher ground level compared to the rear garden. As such a new terrace area would be constructed to the rear of the single storey rear extension. It would project 3m from the rear of the extension and would measure 6.6m wide. There would be a single step leading down to the rear garden and its overall height would be 300mm.

At the front the new gate would be constructed from timber and would have a maximum height of 1.5m, with a width of 3.4m. The gates would be fob operated for access.

Relevant Planning History

N/A

Publicity

Neighbours notified on 06/09/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 extended property would remain over 20m set back from the highway in front and the proposed design would be considered in keeping with the existing property as well as with other properties in the immediate vicinity. The proposal to render the first floor part of the property would be a similar finish to other properties nearby and as such it would not appear out of keeping in the existing streetscape.

Although there is only a 400mm set back of the whole of the side extension no.530 Brandlesholme Road to the north is a completely different house type and it is built away from the shared boundary. As such there would not be any concerns regards future terracing with this neighbouring building.

The proposed gates to the front of the property would be considered in keeping with the style of the dwelling on site and as there are a mixture of properties in the local vicinity that have either open or gated access from the highway they would not have any significantly detrimental effect on visual amenity in the area.

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 -

- There are open fields to the front of the site. No residential properties.
- At the rear there is a sufficient separation distance between the proposed extensions and properties to the rear not to have any significantly detrimental effect on residential amenity.
- There would be more than 7m from the rear of the extensions to the rear boundary which would be in line with the expectations set out in SPD 6.
- The single storey rear extension, including overhanging canopy would not project beyond the rear of the next door neighbour's single storey rear extension at no.526, (which is of a similar design) and there would be no windows in the side elevation adjacent to the shared boundary.
- The proposed terrace would not project more than 3m past the rear of the extension to the rear of no.526 which would be acceptable in terms of SPD 6.
- The whole of the extension would be built within the site boundaries and a path way would be retained along the north side adjacent to no.530 Brandlesholme Road to the north.
- The only new window to the north side elevation would be an obscurely glazed bathroom window at ground floor level. Any views to and from this window would be directly towards the boundary fence and would not overlook the neighbour's land/property.
- The proposed gates to the front of the site would open inwards on to the site and as such would be operated with a remote control fob for access. As such there would be no significantly detrimental impact on the highway to the front of the site.
- The drive way to the front of the site would remain which would be able to accommodate 2 to 3 vehicles if required.

Taking the above in to account 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 -

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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 site as existing has an area at the front for parking 2 to 3 vehicles and this would remain following the side extension being built. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 and 11 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 27/10/2022			