

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/03/2024	Ref: 70472/FUL
Registration: 13/02/2024	LDFC: 07/03/2024	Expiry Date: 09/04/2024
Site Visit: 13/03/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage; Two storey side extension and single storey rear extension

Location: 106 Redvales Road, Bury, BL9 9PT

Description

The application relates to a two storey semi-detached house on a residential road of similar styled houses. There is a detached single garage to the side and a drive/access onto Redvales Road. The unattached neighbour on the east side has a detached garage on the shared side boundary with the site. The attached neighbour at No.108 has a conservatory at the rear.

The proposal involves demolishing the detached garage at the side and constructing a part single, part two storey side extension on the east side of the house. At the front the first floor of the extension would be set back 1m and run to the rear elevation where it drops to form a single storey section, projecting out 3m. The roof would be hipped and carried over onto the existing roof. The side extension would accommodate a reception room and enlarged kitchen at ground floor with a bedroom above.

The small single storey extension at the rear would project out 1.2m level with the existing single storey outrigger at the rear. The extensions would be in red brick and tile to match the existing house.

Relevant Planning History

N/A

Publicity

The rear garden can get very wet in winter as water drains in from elsewhere. It is always in shade in winter, with some sunlight in different parts of the garden in summer. The living room has light in the morning but is dark in the afternoon and receives limited light from the West between house roofs in summer at tea-time. Light is especially important to me as I have a tendency to be depressed in winter. In winter, I often sit on the landing as this is the only place to sit (bathroom and kitchen apart) that has sunlight in the afternoon.

If these proposals should go ahead, I would like a fence or wall to be reinstated so that the back of my shed and garage will not form the only boundary between the properties.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 - With a hipped roof and set back at the front, the proposed extensions are, in design terms, in keeping with the existing house and would not appear out of keeping with the streetscape. As such the proposal is acceptable and complies with the UDP Policy H2/3 and guidance in SPD6.

Residential amenity - With regard to the small rear extension, this would project only 1.2m out and would not extend beyond the existing rear elevation of the adjacent outrigger or the conservatory over the shared boundary at No.108 Redvales Road.

The two storey extension would be to the south west of the neighbour's garden at No.104 Redvales Road. Although there may be some overshadowing to part of the garden in the afternoon, this is not considered so significant to warrant refusal.

There are no windows on the side elevation of the two storey extension and the window on the rear elevation would be obscure glazed to reduce direct overlooking. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 Alterations and Extensions.

Access and Parking - The vehicular access remains as existing. The demolition of the garage would allow parking on the new driveway and this would be surfaced in porous material to improve drainge. In terms of parking and access, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Public comment - The issue with regard to light raised by the neighbour has been addressed in the above report and the revised plan now refers to a new boundary fence along the shared boundary with No.104 Redvales Road. This would also be conditioned as part of any approval.

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 revised drawing numbered 028/ 01 / 24 / 106 @ A1 - A 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Prior to occupation of the extension, a new 1.8m boundary fence along the shared boundary with No.104, shall be erected.

Reason. In order to secure proper boundary treatment in the interests of residential amenity, pursuant to UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

- 5 Before the first occupation of the extension hereby permitted the first floor window on the rear elevation shall be fitted with obscured glazing (min obscurity level 3) 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/03/2024	DM	19/03/2024