

DELEGATED REPORT

Report by Amanda

Date of report: 27/03/2023

Ref:69262/FUL

Uhunmwagho

Registration: 20/01/2023

LDfC: 17/02/2023

Expiry Date: 17/03/2023

Site Visit: 13/02/2023

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey rear extension with glazed balcony; Two storey side extension with front & rear dormers; Two storey front extension; Single storey rear extension

Location: 21 Greenmount Drive, Tottington, Bury, BL8 4HA

Description

Greenmount Drive consists of two storey detached properties which all have different styles. The application property has a steep pitched roof to the south side with a flat roof dormer and to the north side the roof has a partial hip. There is a garage to the south side of the dwelling with a driveway in front and in addition there is further parking to the north side of the site for at least two further vehicles. There is an area of lawn to the centre of the front of site with a low stone wall along the front boundary.

To the rear of the property there is a conservatory and decking, and large garden which backs on to open fields to the rear. There are fences to all boundaries and some planting. Given the way the land slopes up from south to north no.19 Greenmount Drive is slightly lower in level and no.23 is slightly higher.

The proposal is to build a two storey rear extension a balcony which would have glazing to the exterior. There would be a two storey extension to the side with front and rear dormers, a two storey front extension and a single storey rear extension.

The two storey extension would square off the front elevation and would provide a new double garage at ground floor level. The existing garage to the south side of the property would be converted in to living space. The roof would be pitched with gables to the front and rear, with two first floor bathroom windows to the north side elevation. The width of the building would be increased by extending around 1.35m out along the north side of the building.

On the south side a new pitched roof would replace the existing steeply sloped roof and dormer. There would be pitched roof dormers to the front and rear of the roof plane.

To the rear the extension would project a total of 4.3m from the original rear elevation and it would measure 14.78m wide. The south part of the two storey extension would be set in from the side elevation by 5m. It would measure 5.71m wide with a pitched roof and there would be an enclosed/glazed balcony overlooking the rear garden. The two storey extension would then be stepped back to the north and centre of the rear of the dwelling, projecting 2.5m from the original rear elevation. The roof would be hipped away from the boundary with no.23 to the north and there would be a pitched roof to the rear.

There would also be a single storey rear extension which would project 1.95m from the rear of the two storey extension and it would have a mono-pitched roof with four rooflights. All of the elevations would be K-rendered and to the front elevation there would be areas of

timber cladding.

Relevant Planning History

66193 - Residential development of 2 no. detached dwellings - 02/08/2021

52002 - CHANGE OF USE FROM AGRICULTURAL LAND TO DOMESTIC GARDEN -
Approve with Conditions 21/01/2010

66193 - Residential development of 2 no. detached dwellings - Refused 11/03/2021

09/0562 - CHANGE OF USE OF LAND TO RESIDENTIAL GARDEN, STRUCTURE AT
REAR - 13/11/2009

Publicity

Neighbours notified on 27/01/2023 - one objection received. The neighbour has submitted the following comments as objection;

- We are unsure looking at the plans how close the proposed building would be to the boundary between our properties, as the current plans show the boundary as a straight line which the proposed development runs parallel to. The plans also only provide a measurement to the boundary at the front of the proposed development, and not at the rear. The boundary is not a straight line, and the property does not therefore run parallel to it.

- We understand that there may be a planning rule regarding a 45 degree angle from the centre of neighbouring windows, which in this case would be our rear kitchen window. The plans do not show the proposed development in relation to our property/this window, so it is impossible for us to tell if this rule would be complied with, and therefore what the impact would be on our kitchen of the proposed development.

- We are concerned about potential loss of amenity in relation to our rear patio, given that the proposed development is a large two storey extension to a property on our south side, and will be close to the boundary. As the proposed building would extend significantly further back than our property, it would cast an unfortunate shadow over our rear patio for a large part of the day which would impact our enjoyment of our garden, whilst also considerably reducing the amount of diffuse light to our garden and the rear of our property.

Following discussions revised drawings were received on 20/03/2023 showing a reduction of the projection of the proposed two storey extension on the north side of the property. An email was sent to the objector, along with the revised drawings on 20/03/2023 - They have sent in the following reply.

We have considered the revised plans and note the changes which have been made. However, we remain concerned by the effect of a substantial two storey extension so close to our boundary for the reasons set out in our previous email, particularly in relation to potential loss of amenity and light in our kitchen and to the rear of our property. Unfortunately the revised plans do not relieve our concerns in this regard.

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 proposed design and finished materials used in the construction of the proposed development would be very modern compared to the existing property. However, it would be similar in appearance to other properties along Greenmount Drive. It would not appear out of character in the existing streetscene and as such the design of the proposal is considered acceptable in this location.

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 no properties to the rear of the site and properties to the front would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity at those properties.
- There would be just over 35m to the rear boundary and around 7m to the front. These distances would be acceptable in terms of SPD 6.
- No.19 Greenmount Drive is also a two storey detached property. There are no habitable room windows to the side elevation of this property. There is a garage to the front and a door only in the rear elevation, closest to the shared boundary. As the extension would not project beyond the existing front and rear elevations on the south side and given the site is due north of no.19 Greenmount Drive there would not be any significant detrimental effect on residential amenity at this property.
- There are four windows and a door to the side of no.23 Greenmount Drive. At ground floor level there is an obscure glazed window, entrance door and a small (most likely) non-habitable room window adjacent to the door, and to the first floor there is a secondary bedroom window (principal window to the front elevation) and an obscurely glazed bathroom window. As the site is due south of this property there could be some detrimental impact on the path of daylight to these particular windows but as none of them would be classed as habitable, or principal windows the proposed extension would be considered acceptable in the location shown.
- The extension would not project past the front elevation of no.23.
- At the rear the two storey extension would project 3m past the rear elevation of no.23 and there would be a gap of around 1.4m to the shared boundary. The site is due south of no.23 and so it is likely that there would be some detrimental impact on light to the rear of that property. However, the 45° rule would be satisfied regards the nearest ground floor window on the rear elevation of no.23, which is a kitchen window. It is also noted that the single storey extension to the rear of no.23, which includes the kitchen and dining/family room is one single room with two windows and a set of patio doors to the rear elevation. As such any detrimental impact on light to the rear of this property would not be considered enough to warrant refusal.
- As well as the impact on the property the impact on outside amenity space also needs to be considered. In this instance there is a patio area to the rear of no.23, adjacent to the shared boundary where the two storey extension would project 3m. This would no doubt have some detrimental impact on the outside amenity space to the rear of no.23 but the fact that the side of the extension would be around 1.4m away from the shared boundary would lessen some impact on the area concerned.
- The existing property on site will already have some detrimental impact on light to the patio area at the rear of no.23 during the early hours of the day due to it being south of the neighbour. Given the orientation of the two properties the addition of the two storey extension would also have some detrimental impact on the patio next door. However, it is considered that it would more than likely have an impact at a similar time of day to the existing dwelling on site. For most of the afternoon/evening the sun would move to the west over the rear gardens where there would be no obstruction to the rear of no.23 next door. With this in mind the position of the two storey extension would be acceptable in this instance.

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 in terms of separation distance to the surrounding properties and the 45° rule from nearest relevant window of the adjacent property.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 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 two driveways to the front of the site and a garage. The proposed development would include the repositioning of the existing double garage from the south to the north side of the property and both driveways would remain. As such there would be no change to the number of vehicles that could be accommodated within the site. The area has on street parking and there is public transport available close by. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The objections have been addressed in the report above and by way of revised drawings being submitted showing a reduction in the size of the two storey rear extension.

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 E01, E02, E03, L01, L02, L03, P01, LP02, SP01, SP02,, BP01 and BP02 received on 20/01/2023, drawings numbered BR01 and BR02 received on 24/02/2023 and drawings numbered E04 Rev A and L04 Rev A received on 20/03/2023. as modified by the emails from JPL Design and Construct Ltd dated 24/02/2023 and 19/03/2023. The development shall not be carried out except in accordance with the details 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 be as annotated on the proposed drawings.
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 Before the first occupation of the extension hereby permitted the first floor bathroom windows on the north side elevation shall 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	27/03/2023	DM	27/03/23