

DELEGATED REPORT

Report by Amanda

Date of report: 17/05/2024

Ref:70651/FUL

Uhunmwagho

Registration: 19/04/2024

LDfC: 17/05/2024

Expiry Date: 14/06/2024

Site Visit: 01/05/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

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; Single storey / 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.

Planning permission was granted at this property for an almost identical development on 27/03/2023. The differences between the previous application and the current one is a reduction in the projection of the first floor extension to the north side of the dwelling, change of roof style to the north side of the dwelling and also changes to the window styles to the front and rear elevations.

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

At the front the single storey part of the extension would square-off the front elevation providing a new double garage. The existing garage to the south side of the property would be converted in to living space. The single storey element would have a mono-pitched roof across the front.

The first floor section to the north side would be set back from the ground floor section by around 2.6m and there would be a bay window to the front. It would extend 10.7m to the rear and the roof would be pitched. The extension would provide a new bedroom to this side of the property along with 2 en-suite bathrooms and a laundry room. The width of the building would be increased by extending around 1.35m out along the north side of the building.

To the rear the extension would project a total of 4.95m 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 southern 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 rest of the two storey extension would be stepped back from the balcony to the north side, projecting around 2.4m from the original rear elevation. The roof would be pitched.

The single storey rear extension would project 1.95m from the rear of the two storey extension and it would have a mono-pitched roof with three rooflights.

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. All of the elevations would be finished with K-render and brick.

Relevant Planning History

- 09/0562 - Change of use of land to residential garden, structure at rear - 13/11/2009.
- 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.
- 66193 - Residential development of 2 no. detached dwellings - 02/08/2021.
- 69262 - Two storey rear extension with glazed balcony; Two storey side extension with front & rear dormers; Two storey front extension; Single storey rear extension - Approve with Conditions 27/03/2023.
- 69982 - Erection of garden cabin in rear garden - Approve with Conditions 04/10/2023

Publicity

4 neighbours notified on 26/04/2024 -No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
PFE	Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 single storey front extension would project past the front elevation of no.23 by around 400mm. This would be considered acceptable in terms of SPD 6.
- At the rear the two storey extension would project 3.1m 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 3.1m. 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 new garage would provide two parking spaces along with two further spaces to the driveway in front.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the driveway at the front as well as two spaces in the proposed garage. There are also no parking restrictions along Greenmount Drive.

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 LP01, LP02, L01, L02, E01, E02, SP01, SP02, BP01, L05, L06, E05 and E06 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 be brick and render to all elevation as noted on the approved 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 17/05/2024		DM 20/05/24	