

DELEGATED REPORT

Report by Amanda

Date of report: 11/09/2023

Ref:69842/FUL

Uhunmwagho

Registration: 24/07/2023

LDfC: 14/08/2023

Expiry Date: 18/09/2023

Site Visit: 07/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two/single storey rear extension; Addition of 2 no. windows to side elevation

Location: 17 Blackrod Drive, Bury, BL8 2TQ

Description

The application relates to a two storey detached house with gardens to the front and rear of the site. There is a drive way to the front which provides on site parking for two to three vehicles. The front garden and drive way are open to the highway in front. At the rear the garden has fences to all boundaries. The rear garden is part lawn, part patio.

The proposal is to build a single/two storey rear extension projecting a total of 4m from the original rear elevation and measuring 5.85m wide. The two storey section would project 2m from the original rear elevation. The two storey section would have a pitched roof and the single storey section would have a mono-pitched roof with three rooflights. There would also be two new bathroom windows installed to the east side elevation.

Relevant Planning History

N/A

Publicity

3 neighbours notified on 24/07/2023 - 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.

As the extension would be to the rear of the dwelling it would not be visible in the public realm at all. However, it would be built with materials and a design that would be considered to be in keeping with the existing building. As such it would be 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 -

- The single storey extension would be around 10.6m away from the rear site boundary and the two storey section would be around 12.6m from the same boundary. These distances would be acceptable in terms of SPD 6 and as such there would be no significant detrimental effect on residential amenity at no.2 Ribbleton Close to the rear,

- especially as this property has no windows in the side elevation adjacent to the site.
- The extension would be around 3.5m away from the shared boundary with no.19 Blackrod Drive to the south west. There would be no upper floor windows facing this property, but there would be two ground floor windows. As these windows would face on to the boundary fence only and no.19 has a single storey extension on the rear elevation, (no windows facing the site), there would be no significant detrimental effect on privacy levels between the two properties.
- To the north east the side elevation of the extension would be around 1.2m away from the shared boundary with no.15 next door. The two storey extension would project around 800mm past the rear elevation of the neighbouring property and the single storey would project 3m past. There would be no windows in the side elevation of the extension facing no.15. Taking this into account and that the 45° rule would be satisfied with regards to windows on the rear of no.15, it is considered that there would be no significant detrimental impact on residential amenity at this property.
- There would be two new windows installed to the north east side elevation. As these would both be to bathrooms the windows would be obscurely glazed, but a condition would be added to the decision ensuring that they remain obscurely glazed at all times in the future in order to retain privacy levels between the two dwellings.

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 drive at the front.

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 ZT23-196-00, ZT23-196-01, ZT23-196-02, ZT23-196-03, ZT23-196-04 and ZT23-196-07 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 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is

commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

- 4 Before the first occupation of the extension hereby permitted the new windows on the north east 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 - 11/09/2023			