

DELEGATED REPORT

Report by Jane Langan	Date of report: 11/01/2023	Ref: 69067/FUL
Registration: 10/11/2022	LDfC: 20/12/2022	Expiry Date: 05/01/2023
Site Visit: 06/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor front/side extension over existing porch and garage

Location: 1 The Cross, High Street, Walshaw, Bury, BL8 3FS

Description

The property is a two storey detached house with single storey entrance porch and attached garage at the front. It is one of two properties off a single vehicular access and has parking to the front and side. The neighbouring property is No.3 a detached. To the rear the site has a fenced garden and along the front boundary a low brick wall with fencing and planting providing a level of screening to the two properties. To the north side of the site is a row of three terraced houses which have a parking area at the rear. There are no properties directly at the rear of the site. There are trees in the front garden of the site covered by TPO 25.

The application includes extending above the entrance to extend an existing bedroom and above the garage to add a further bedroom with ensuite.

Relevant Planning History

34706 - Residential development: 2 dwellings - AC 24/11/98.

34988 - Change of use of land to form garden extensions to new dwellings and resiting of one dwelling - AC 26/1/99.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual amenity and design - The proposal would see a 1.3m deep by 2.5m wide extension above the entrance and linked to this a 5.4m by 5.4m first floor extension above the garage. Generally SPD6 has a presumption against large front extensions in order to protect the street scene. In this case the site is set back from the main road and with a good level of screening. In this instance then the proposal would not result in an intrusive feature in the street scene.

The smaller extension would have a hipped roof linked to the main roof. The first floor above the garage would have a dual pitched roof with a shallow bay window to the side above the garage door. The front elevation would form a gable with a Juliette balcony window with feature stone section above. Materials would be roof tiles and brickwork to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

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 can accommodate this level of parking which would not be affected by the proposal.

Residential amenity - The neighbouring property closest to the proposal would be the end terrace at 615 Walshaw Road. There is a separation distance as existing between the side elevation of the site and the habitable room windows to the rear of 615 of 13m. The proposed first floor above the garage would be approximately 10m however this would be a short width of the rear elevation of 615 where there are no habitable rooms. The proposal would see development to the south side of the boundary with this neighbouring property however it is the area used for parking. The proposal would have two full height windows to the landing area to this side both noted to be obscure glazed. There are existing bathroom windows to the site to the first floor to this side. A condition is added for the retention of the obscure glazing.

In relation to the neighbouring No.3 then the proposal would not be located in close proximity to this property. The proposed first floor side elevation would have a bay window which would be approximately 9.8m away from the front garden and drive and to No.3 and it would not overlook any private area.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 658-01, 658-02, 658-03, 658-04, 658-05, 658-06, 658-07, 658-08, 658-09 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 Before the first occupation of the extension hereby permitted the two windows to the landing to the north side elevation shall, as noted on the approved plans, 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> JL	<u>Date</u> 11/01/23	<u>Sign off Officer</u>	<u>Date</u>
---------------------------	-------------------------	-------------------------	-------------