

DELEGATED REPORT

Report by Mo Warsame	Date of report: 17/01/2025	Ref: 71381/FUL
Registration: 26/11/2024	LDFC: 03/01/2025	Expiry Date: 21/01/2025
Site Visit: 14/01/2025	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Detached Garage Conversion to Annex; Front Extension

Location: 3 Greenmount Close, Tottington, Bury, BL8 4HN

Description

The property is a two storey modern detached house within a cul de sac of other detached properties of a similar style. It has an attached garage at the side with garden and parking to the front and to the rear a garden enclosed by a 2m approx wooden panel fence.

Planing permission is sought for the erection of a single storey front extension to the existing detached garage to form an Annex. The proposed extension would project 2m to the front and run the width of the garage. The development would have a pitched roof and accommodate a self-contained Annex. The proposal would utilise the use of matching materials.

Relevant Planning History

67981 - Lawful development certificate for proposed single storey rear extension - extending less than 4m - detached property - Lawful Development 09/03/2022

Publicity

Neighbour letters sent. one objections received.

Comments

The objecting party state that they have no objection to the development (Annex) but rather concerned about the parking limitation that could be caused by the development.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The extension to the garage building would be brick to match the existing building. It would be to the side/rear of the property and would be screened by the detached garage from the adjacent property (No.5 Greenmount Close) on one side and the existing high scrubs to the rear would screen the development from the properties to the rear. The proposed extension would be visible from the street scene. However, the extension would be modest and not extend beyond the principal front elevation of the main dwelling. As such, the design of the proposal is considered acceptable in this location.

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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

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed garage extension would be modest structure that would not have any significant impact on with the existing drive/parking. The drive way in front of the proposed annex would remain over 5m in length and as such parking on site would not be detrimentally affected by the proposed development.

In terms of privacy and outlook, there would be over 17m to the properties in front and over 20m to the properties to the rear. The proposed side window facing the adjacent property (No.5) would be completely screened by the garage from this neighbour (No.5) which projects a blank wall. The other side windows would be facing on to their own property which would be acceptable.

The garage and its extension would be used as an annex. The annex would be suitable for one person having one bedroom, a bathroom and a small kitchen/lounge area. SPD 6 does state that in general annexes should be attached to the main dwelling but in respect of this site there would be no separate access to the annex other than the existing drive way to the main property and as such the building would be considered ancillary to the existing dwelling on the site. 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.

Highways

The proposal will result in one additional bedroom but the driveway at its current condition would meet the maximum parking requirements.

Response to Objection

The report has addressed the main concerns of this neighbour. There would not be any significant detrimental impact on the neighbouring properties. Furthermore, the driveway in front of the proposed annex would remain over 5m in length and as such parking on site would not be detrimentally affected by the proposed development.

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.

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- 2 This decision relates to drawings numbered ZT24-196-04 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 and Places for Everyone Joint 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 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>
MW	17/01/2025	DM	17/01/2025