

DELEGATED REPORT

Report by Amanda

Date of report: 05/01/2023

Ref:68923/FUL

Uhunmwagho

Registration: 13/10/2022

LDfC: 08/11/2022

Expiry Date: 08/12/2022

Site Visit: 03/11/2022

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at front/side, First floor extension at rear and Single storey extension at rear connecting to garage

Location: 62 Radcliffe Road, Bury, BL9 9JY

Description

The application relates to a two storey semi-detached property with gardens to the front and rear of the dwelling. There is a brick wall along the front boundary with pillars at the vehicular access. There are fences to all other boundaries. At the front of the site there is a small garden and drive way leading to a detached garage at the rear. There is an existing single storey rear extension.

The proposal is to build a two storey extension at the front, single/two storey extension to the side and a single storey/first floor extension at rear. To the front the extension would project 1m forward of the existing front elevation and it would measure 2.5m wide. It would have a pitched roof.

At the side the extension would measure 2.15m wide x 22m long. The first floor would be set back from the original front elevation by 1.5m and it would measure 9.45m long. It would project 3.25m beyond the rear elevation and the roof would be hipped. The single storey section to the front would have a mono-pitched roof.

At the rear the single storey section would project a total of 10.66m from the rear elevation of the proposed two storey extension. It would have an L-shaped design and the roof would be flat with a single raised roof lantern.

Along the shared boundary with the attached neighbour the extension would remain single storey as it is currently.

Relevant Planning History

43551 - TWO STOREY EXTENSION AT SIDE; FIRST FLOOR EXTENSION AT REAR; DETACHED SUMMERHOUSE/STUDY AT REAR - Refused 30/11/2004

44083 - CANTER LEVERED FIRST FLOOR SIDE EXTENSION & FIRST FLOOR REAR EXTENSION & DETACHED SUMMERHOUSE/STUDY AT REAR - Refused 04/04/2005

44462 - CANTER LEVERED FIRST FLOOR SIDE EXTENSION & FIRST FLOOR REAR EXTENSION; DETACHED SUMMERHOUSE/STUDY AT REAR - Approve with Conditions 02/06/2005

65151 - Proposal A - Front porch, Proposal B - First floor extension at rear and loft conversion with rear dormer --Split Decision 15/05/2020

Publicity

Neighbours notified on 17/10/2022 - One objection received. Their objections are;

- The extension would not be in-keeping with the surrounding area.

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- It would be built up to the shared boundary.
- Impact on privacy.
- Impact on light to their kitchen, bathroom and hallway.
- Where would the 4 bins be located?

Neighbours were notified again on 07/12/2022 following receipt of revised plans. Two objections were received. A summary of the objections is listed below.

- Too close to their boundary fence.
- Impact on light to their hallway, bathroom and kitchen resulting in having to use the electric light during the day.
- No external access to the rear of the property so 4 dustbins would be to the front of the house.
- Impact on the streetscene.
- The two storey extension is huge and will impact immensely on light to their rear living room as well as their rear bedroom.
- Impact on light to their rear garden.
- The two storey extension would come half way across the rear of the house towards their boundary.
- The height of the extension seems extreme.

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 extension would be built with materials and a design that would be considered in-keeping with the existing building.

The 1.5m set back to the first floor at the front would prevent any terracing effect with the property at 64 Radcliffe Road if the owner of that property chose to extend their property in a similar way. As such the proposal is considered acceptable in terms of 'terracing' and the effect on the streetscene.

Even with the addition of the two storey front extension the existing character of the property would be retained and it would not appear out of character in the existing streetscape. The site plan shows that refuse bins would be stored to the front of the property and planting would be used to screen the bins from general view.

The single storey extension to the rear would be built with materials that would match the existing property. The proposed flat roof would not be considered uncommon on a domestic extension and it would not be openly visible in the public realm.

The height of the proposed roof would be lower than the existing ridge and the design would be hipped to match the main roof. With this in mind although the height of the two storey extension may be of concern to neighbours it would not be considered excessive and it would remain in-keeping with the existing building. 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 -

- Properties to the front and rear of the site would be more than a sufficient distance away from the extended property not to have any significant detrimental impact on

residential amenity at those properties.

- There would be around 9.5m from the front of the side extension to the front boundary and there would be parking available on site for 2 vehicles.
- There would be around 8m from the rear of the single storey extension to the rear boundary and just over 18m from the rear of the two storey extension. These distances would be acceptable in terms of SPD 6.
- At the rear the existing single storey extension adjacent to the shared boundary with 60 Radcliffe Road (attached) would remain as it is, with the exception of the installation of a single rooflight. Existing patio door to this side of the property would be replaced with a standard style kitchen window. These changes to this side of the property would not cause any significant detrimental harm in terms of residential amenity next door.
- There would be around 2.88m from the side elevation of the two storey rear extension to the shared boundary with no.60 to the east, and there would be no windows in the east side elevation. With this in mind the 45° rule would be satisfied with regards to relevant ground floor windows on the rear of no.60 and as there would be no first floor windows facing no.60 there would be no concerns regards impact on privacy at that property.
- There would be three windows (one being a bathroom) in the side elevation of the single storey rear extension facing the shared boundary with no.60 next door. As the windows would not directly face the neighbouring property it is considered that there would not be any significant detrimental effect on residential amenity.
- There would be no windows installed to the ground floor of the south west elevation adjacent to the shared boundary with no.64 Radcliffe Road, and just one bathroom window at first floor. With this in mind there would be no concern regards overlooking of the neighbouring property and its land.
- The plans show that all of the extension would be built within the site boundary and certificate A has been signed. As such there would be no encroachment on to land to either side of the site.
- There are five windows and a door to the side elevation of no.64 next door. The door and two windows are to a kitchen and there is a small obscure glazed ground floor window which may be to a cupboard/pantry and then at first floor level there are landing and bathroom windows. Although there may be some detrimental impact on light to these particular windows, none of these rooms would be considered to be habitable and as such any impact would not be considered detrimental enough to warrant refusal of the proposal.
- At the front the single storey extension would project around 1m forward of the front elevation of no.64. This would not cause any significant harm in terms of residential amenity at the front of that property.
- At the rear the two storey extension would project 3.25m past the two storey rear elevation of no.64 next door and just 1m past the ground floor extension. Given that there are no ground floor or upper floor windows on the east side of the rear elevation of no.64 the 45° rule would be satisfied with regards the ground floor habitable room window adjacent to the opposite boundary. The rear bedroom window is also positioned closer to the shared boundary with the next door but one property (no.66 Radcliffe Road).

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 windows of the adjacent properties.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 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 an area at the front for parking two vehicles and this would remain following the side extension being built. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

The objections have been addressed in the report above.

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 Sheet 1 and Sheet 2 received on 06/10/2022 and revised drawings numbered Sheet 3 rev 2 and Sheet 4 rev 2 received on 19/12/2022 as modified by the email from Thompson Designs dated 19/12/2022. 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 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>
AU - 05/01/2023			