

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 30/01/2025	Ref: 71443/FUL
Registration: 13/12/2024	LDfC: 28/01/2025	Expiry Date: 07/02/2025
Site Visit: 15/01/2025	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: Double Storey Side and Single Storey Rear Extensions

Location: 261 Walshaw Road, Bury, BL8 1PJ

Description

The application property is a two storey semi-detached house which fronts on to Cotswold Crescent, but the address is Walshaw Road, which runs along the north east side of site. There is a small front garden to the front with pedestrian access and a larger rear garden, with parking, accessed via Walshaw Road. There is a short fence and planting to the front boundaries and a higher fence to all boundaries of the rear garden. There is a tree on the highway to the side of the site.

The proposal is to build a two storey side extension and a single storey rear extension. The side extension would measure 2775mm wide x 10,436mm long. At the front it would be set back from the original front elevation by around 450mm and the ridge of the pitched roof would be set down from the main ridge.

Relevant Planning History

03031/E - Proposed two storey side extension & single storey rear extension - Enquiry completed 05/11/2024

Publicity

12 neighbours notified on 07/01/2025 - No comments or objections received. is

Statutory/Non-Statutory Consultations

None

Pre-start Conditions -Not relevant

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
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 immediate area consists of many different types of properties including bungalows, terraced, detached and semi-detached properties and there is a new housing development to the south of the site.

The extensions would be built with materials and a design that would be considered to be in keeping with the existing property and as the front elevation would be slightly set back to the first floor (around 450mm) at the front the ridge of the extension would be lower than

the main ridge, ensuring that the two storey side extension would remain subservient to the existing building.

The development would bring the dwelling closer to the highway to the north east of the site, but the distance of just over 2000mm to the side boundary would be acceptable in terms of SPD 6.

It is noted that the extension would bring the side of the application property slightly forward of the building line with properties to the north and south of site. However, there would be a gap of over 20,000mm to properties to the front and rear of the site. This separation distance between the application property and the neighbours would mitigate the projection of the extension in terms of the building line. As such it is considered that the proposed development would not have any significant detrimental impact on the character of the existing streetscape.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- At the rear the single storey extension would project 3000mm from the original rear elevation which would be acceptable in terms of SPD 6 and it would be considered to be acceptable in terms of residential amenity at no.2 Cotswold Crescent attached to the application property.
- The single storey rear extension would be around 150mm off the shared boundary with the attached property. As such there would be no concerns regards encroachment.
- There would be around 13,000mm from the rear of the single storey extension and around 16,000mm from the rear of the two storey extension to the rear boundary. These distances would be acceptable in terms of SPD 6.
- No.263 Walshaw Road would be around 20,000mm away from the rear of the single storey extension. This separation distance would be more than acceptable in terms of SPD 6.
- Terraced properties to the north east of the site would be over 20,000mm away from the side elevation of the two storey side extension and there would be no windows in the side elevation. As such there would be no significant detrimental impact on residential amenity at those properties.
- At the front the extension would face on to the junction where Cotswold Crescent meets Walshaw Road. It wouldn't directly face onto other properties.
- The existing driveway would not be affected by the proposed development.
- The extension would be just over 2000mm away from the north boundary with Walshaw Road. As such there would be no concerns regards encroachment of the highway.
- The side extension would be set well back from the junction to the front of the site so it is considered that it wouldn't have any significant detrimental impact on the highway 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.

Tree on highway -

There is a tree on the highway to the north east side of the site. A condition would be added to the decision regards tree protection measures which must be put in place prior to works commencing and throughout the build. An informative would also be added advising the applicant that they must have permission from the tree owner before they commence any necessary pruning or other works to the tree.

Parking-

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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 drive at the rear of the site providing on site parking for at least two vehicles and this would remain following the side extension being built. The area is high access in terms of public transport and there are no parking restrictions to the highway to the front and rear of the site. In this instance then the parking arrangements are considered sufficient.

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 ZT24-196-01, ZT24-196-02, ZT24-196-03, ZT24-196-04 and ZT24-196-04.5 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 in terms of visual amenity, 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.
- 4 The tree located on the highway adjacent to the north east side of the site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 30/01/2025		DM 30/01/25	