

DELEGATED REPORT

Report by Jane Langan	Date of report: 17/05/2023	Ref: 69524/FUL
Registration: 31/03/2023	LDFC: 13/05/2023	Expiry Date: 26/05/2023
Site Visit: 19/04/2023	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: Two storey side/rear extension; Single storey rear extension; Render to external elevations

Location: 7 Wheatfield Close, Bury, BL9 6XD

Description

The property is a semi detached house. It has a shallow front garden and a drive to the front/side. To the rear it has a conservatory and a fenced garden. There are no properties directly beyond the rear boundary it is the road to the top of a cul de sac at Limefield Brow. The adjoining neighbour is No.9 and is extended single storey at the rear. To the opposite side No.5 is at a higher level and separated by its drive and also the drive to No.3 which runs adjacent the site drive. No.3 is the mid property in a row of 3.

The application includes a two storey extension coming out 2.4m at the side. It would run along for 11.7m of which 4.1m would project past the rear elevation for 4.3m across. At this point the two storey would reduce in depth to 1.7m up to the boundary with No.9. The ground floor would project single storey to 4.1m. The extensions would form an office, utility and dining/lounge area at ground floor and at first floor an additional bedroom, a bathroom and wardrobe area off an existing bedroom.

Relevant Planning History

None.

Publicity

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

Statutory/Non-Statutory Consultations

Highways - Consulted on a proposal to remove the drop kerb and return to on street parking. As the property was built with a drive in excess of 5m they would not support the loss of off street parking.

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 proposed extension would be built almost to the boundary and set back 1.1m from the front elevation. Between the adjacent No.5 is its drive and also the drive to No.3 which sits at a higher level. Given the difference in levels and it unlikely the drive to No.3 being separated from the property would be built on it is not considered that there would be potential for terracing and the proposal would not require an additional 0.4m set back at the front. The extension would have a pitched roof running from, and set below, the main ridge forming a side gable wall. To the rear the two storey would have a dual pitched roof to both sections and a monopitch roof to the single storey section. Materials would be roof tiles to match the existing colour and new and existing walls would be finished in render. Whilst the general character of the area is brick render is a common and popular finish for domestic properties and would not result in an intrusive feature in the street.

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 2 to 3 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 2 parking spaces. The site as existing has a drive to the side with parking for one vehicle. The garden is shallow and there would not be potential to create any further. The proposal has been revised to set back the extension to provide the 5m minimum drive length. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable. The rear garden backs on to the highway therefore rear access for bin storage is available.

Residential amenity - In relation to the adjoining No.9 the proposal, where two storey at the rear, would not encroach a 45 degree line from the mid point of the first floor rear window. The proposed single storey would not project more than 3m from the rear of No.9 as extended.

To the opposite side No.5 is separated by its drive and the drive and garage to No.3 and the proposal would not encroach a 45 degree line from its principle rear windows. Its garden is also south facing. The proposal would have windows to the side elevation along the boundary to a utility and bathroom. The plans note them to be obscure glazed and a condition is added for this to be retained.

To the rear the site garden runs to two different lengths to the rear boundary. It is a shorter length to the rear of the proposed two storey and from the first floor rear window there would be less than 7m to the boundary at approximately 4.7m. This would not raise any overlooking issues as at this point there is no property directly at the rear it is adopted highway.

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 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 ZT23-196-00, ZT23-196-01, ZT23-196-02, ZT23-196-03 revised plan received 12/05/23, ZT23-196-04 revised plan received 16/05/23, ZT23-196-08 revised plan received 12/05/23 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.

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- 3 Before the first occupation of the extension hereby permitted the windows to the 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.

- 4 A minimum hardstanding of 5m measured between the highway boundary and the front elevation of the extension hereby approved shall be provided and thereafter maintained.

Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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>
JL	17/05/23	HL	18/05/23