

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/08/2022

Ref:68418/FUL

Registration: 31/05/2022

LDfC: 21/07/2022

Expiry Date: 26/07/2022

Site Visit: 24/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey garden room to replace garage as additional living accommodation for family

Location: 8 Chiltern Drive, Bury, BL8 1QY

Description

The application relates to a bungalow (plus detached flat roofed garage measuring 14.5sqm) on a residential street of similar properties. The attached neighbour has an existing dormer extension at the rear and the neighbour on the other side has a small single storey rear extension plus a detached garage along the shared boundary. The rear boundaries have fencing approximately 1.8m high but no trees or shrubbery.

Planning permission is sought to demolish the existing garage and construct a new outbuilding (30.9sqm) in its place, albeit with a slightly larger footprint. that would measure 7.5m by 4.1m and have a flat roof. Materials would include blockwork for the walls and upvc windows (to match the main house). It would be finished in a render to match the main house and accommodate a self-contained bedsit that would be ancillary to the main dwelling. Windows are proposed to the north elevation facing the street (non habitable), and west elevation facing the rear garden (habitable).

There would be a separation of 6.1m to the west-side shared boundary, although there is no new boundary treatment proposed.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 07/06/2022 and 30/06/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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

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.

In terms of scale, design, and appearance the proposed outbuilding would be entirely single storey and would be a proportionate size in relation to the existing house. Situated at the rear, the proposed outbuilding would not be readily visible from the public arena, except as viewed beyond the main gate, although its design and scale is considered to be appropriate for this property. Materials would include blockwork for the walls and upvc windows (to match the main house). The existing fencing (approximately 1.8m high) along the rear boundaries would further reduce the impact on the residents to the rear.

The existing detached garage is in generally poor condition while the new outbuilding and therefore the new building would be an improvement in visual terms. In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Guidance in SPD6 states that outbuildings should normally be at the rear of domestic properties. As such it is considered that the location of the proposed outbuilding with self-contained living accommodation is acceptable in this location due to its position, design, and proportionate scale in the context of the main dwellinghouse. In this respect the extension to complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed outbuilding would be single storey only.
- All new habitable windows would be positioned so that they only face towards the rear garden and be an acceptable distance from shared boundaries.
- The proposed outbuilding would be positioned along the shared boundary with the neighbours existing detached garage on the other side, therefore there would be no impact in terms of the 45-degree rule.
- In terms of the general prominence and impact on daylight the proposed outbuilding is entirely single storey, set off the shared side boundary alongside the unattached neighbours detached garage. The proposed extension would have little or no impact on part of that neighbours rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed other than the loss of the garage although the driveway would remain a sufficient length to provide space for at least 2 cars. The proposal would not affect the existing parking arrangements above and beyond the current situation.

Taking into account accommodation in both the main house and the proposed outbuilding 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, which requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 2 car spaces, and there is additional parking available on street. Given the situation and the fact there are no changes to parking layout other than the loss of the garage, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

It is considered that the proposed development would be acceptable in terms of the siting, scale, and design, of this outbuilding. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 drawings as submitted on 09/05/2022 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 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 Before the first occupation of the extension hereby permitted the toilet window 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.
- 5 The outbuilding and self-contained living accommodation hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 8 Chiltern Drive.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	18/08/2022		