

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/05/2025	Ref: 71792/FUL
Registration: 28/03/2025	LDFC: 01/05/2025	Expiry Date: 23/05/2025
Site Visit: 02/05/2025	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 3	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor rear extension; Installation of 1 no. obscure glass first floor window to each side elevation

Location: 28 Alnwick Drive, Bury, BL9 8BZ

Description

The property is a two storey detached house with a drive to the front along with a large garden to the rear and no properties beyond. A low boundary wall and hedges extends across all boundaries. The adjacent neighbouring properties on either side are No. 26 (East) and No. 30 (West).

Planning permission is sought for a first-floor extension to the rear to accommodate larger bedrooms. The extension would project 3.6 metres to the rear from the existing first-floor to align with the projection of the ground floor. The proposed development would be constructed using matching materials and would have a pitched roof.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 07/04/2025. 2 objections received.

Comments:

Multiple comments have been received from two objecting parties. The main concerns relates to the loss of sunlight/daylight due to the size and orientation of the proposed development which would lead to overshadowing effectively creating sub-standard and overbearing conditions. Privacy issue relating to the proposed side windows have also been mentioned.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Situated to the rear, the development would not be visible from the street scene. The extension would be simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent

feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

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

- In terms of overlooking and privacy, there would be no new habitable windows proposed on either side of the first-floor extension and distance to the rear boundary is considered sufficient. Moreover, the proposed bathroom side windows would be conditioned to be obscure glazed.
- The development would satisfy the 45 degree rule when applied. However, the proposed development would be overbearing and would have a significant adverse impact upon the residential amenity of the neighbouring properties and in particular No.26 and the enjoyment of their rear garden. It is noted in particular that the first floor extension would be positioned to the west side of this neighbour's garden and as such, there would be a significant impact in terms of overshadowing.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Response to Comments

The report have addressed the main concerns of the objecting parties. There would be serious impact on the general prominence, and impact on sunlight/daylight of the adjacent neighbouring properties. This would be overbearing and lead to overshadowing as mentioned in the report above. Therefore, the concerns are valid.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed first floor rear extension would be detrimental to the amenities of the neighbouring property at No.26 Alnwick Drive, by reason of its height, size and position along the boundary with that neighbour. The proposed extension therefore conflicts with Policy H2/3 Extensions and Alterations of the Bury Unitary Development Plan and associated guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	21/05/2025	HL	22/05/25