

DELEGATED REPORT

Report by Amanda

Date of report: 05/02/2024

Ref:70258/FUL

Uhunmwagho

Registration: 20/11/2023

LDFC: 13/12/2023

Expiry Date: 15/01/2024

Site Visit: 28/11/2023

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: Two storey side extension; Hip to gable roof extension; Loft conversion with rear dormer

Location: 23 Holcombe Avenue, Bury, BL8 2RN

Description

The application relates to a previously extended two storey semi-detached property. The whole of the front is paved providing on site parking for upto 3 vehicles. The existing property has a hipped roof with a single storey extension to the side and two storey extension to the rear. There is a small patio area directly to the rear of the property with steps leading down to the garden at a lower level. There are fences and planting to all rear boundaries.

No.21 Holcombe Avenue to the east has a two storey side/rear extension close to the shared boundary with a conservatory to the rear. No.25, attached to the west side has a conservatory directly adjacent to the shared boundary at the rear.

The proposal is to add a two storey side extension as well as a hip to gable roof extension and a loft conversion including a rear dormer. The side extension would measure 1360mm wide and 9560mm long. It would be set back from the existing front elevation by 790mm and at the rear it would project to the same point as the existing two storey extension. The roof would appear pitched to the front and rear but there would be an area of flat roof to accommodate the loft conversion.

The dormer would have a flat roof. It would measure 5570mm side and would be set in from the side elevations, 420mm from the west and 450mm from the east. There would be two obscurely glazed landing windows and a bathroom window installed to the east side elevation and two rooflights to the front of the roof.

Relevant Planning History

- 45232 - FIRST FLOOR EXTENSION AT SIDE; CONSERVATORY AT REAR - Approve with Conditions 05/10/2005
- 66889 - Two storey side extension; Loft conversion with rear dormer and balcony; Hip to gable roof extension - Refused 16/08/2021
- 02896/E - Two storey side extension; Loft conversion with rear dormer; Hip to gable roof extension - Enquiry completed 20/10/2023

Publicity

7 neighbours were notified on 21/11/2023 - No comments or objections have been received.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 finished with brick walls to match the existing building and the applicant has stated that the windows would be white upvc to match the existing windows, or they may spray them a different colour. It is noted that the applicant could spray the window frames a different colour as Permitted Development. As such this would not be a reason to refuse the proposal.

In order to prevent terracing with an adjacent property a first floor set back of 1.5m from the original front elevation is normally required. A lesser set back can be considered depending on the existing streetscene and the relationship with an adjacent property. In this instance the whole of the front elevation would be set back from the main front elevation by 790mm and there would be an 800mm gap to the shared boundary with no.21 next door.

No.21 also has an existing two storey side extension built towards the rear of the property. There is a small gap between the extension and the shared boundary with the site but in front of the extension there is a much wider path where refuse bins are stored. Considering this, and the remaining gap of 800mm from the proposed extension to the shared boundary it is considered that there would be no concerns regards terracing and there would be no significant detrimental impact on the existing streetscene.

The existing property is situated within a row of hipped roof properties. As such the pitched roof would be considered to be different. However, properties on the opposite side of Holcombe Avenue have pitched roofs and it is noted that a hip to gable roof conversion could be undertaken as Permitted Development on these properties at any time.

In order to gain the room required in the roof space there would be an area of flat roof to the centre of the building. When viewed directly from the front the roof would appear to be pitched. To the east side elevation there would be a small section of tile hung roof to the side of the dormer. This section would match the roof to the rear and existing building.

The flat roof would be partially visible to the east. Whilst it is not ideal in design terms within the streetscene it would be set well back from the front elevation and as such is felt that on balance the extension would be 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 -

- There would be sufficient distance from the front elevation of the extension to properties on the opposite side of Holcombe Avenue not to have any significant detrimental impact on residential amenity at those properties.
- At the rear there would be around 19,000mm to the rear boundary. This would be acceptable in terms of SPD 6.
- The two storey side extension would be built 800mm away from the shared boundary with no.21 and both windows to this side would be obscurely glazed. A condition would be added to the decision to ensure that the windows remain obscurely glazed at all times in the future.
- As the side extension would be 800mm away from the shared boundary there would be

- no concerns regard encroachment with this property/site.
- At the rear there would be no change to the projection of the two storey extension adjacent to the attached neighbour, 25 Holcombe Avenue. The main change at the rear would be the pitched roof and dormer. The existing hipped roof appears to overhang the shared boundary with no.25, but the proposed drawings show that the whole of the new roof would be built within the site boundaries.
- The proposed pitched roof would result in a slightly higher wall along the shared boundary. This may have some impact on light availability to the first floor habitable room window adjacent to the shared boundary but given the orientation of the site compared to the attached property the impact on the path of daylight would not be significant enough to warrant refusal of the proposal.
- The rear dormer would be set back from the rear elevation by around 990mm meaning any views from the dormer windows would be over the applicant's rear garden and not directly towards the adjacent gardens.
- The two rooflights to the front would not have any significantly detrimental effect on residential amenity in the area.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive at the front of the site.

The drawings note that the existing drive measures 4700mm in length which is sub-standard in terms of SPD 6. Given that the proposal would not impact upon the existing parking arrangements and there would be no increase in the number of bedrooms at the property the existing parking arrangements would be considered acceptable in this instance. There are also no parking restrictions to the highway in front.

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 pre-application discussions 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 23HOLC-01 Rev P0 6, 23HOLC-02 Rev P06, 23HOLC-03 Rev P06, 23HOLC-04 Rev P06, 23HOLC-05 Rev P06, 23HOLC-06 Rev P06, 23HOLC-07 Rev P06, 23HOLC-08 Rev P03, 23HOLC-09 Rev P03, 23HOLC-10 Rev P03 and 23HOLC-11 Rev P06 received on 05/02/2024 as modified by the email from Mr I Smith dated 04/02/2024. 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.

- 4 Before the first occupation of the extension hereby permitted the windows on 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 05/02/2024			