

DELEGATED REPORT

Report by Jane Langan	Date of report: 23/05/2022	Ref: 68254/FUL
Registration: 28/03/2022	LDFC: 05/05/2022	Expiry Date: 23/05/2022
Site Visit: 25/04/2022	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 extension at front; Two storey extension at side; Part single/Part two storey extension at rear and juliet balcony at rear

Location: 179 Parkhills Road, Bury, BL9 9AF

Description

The property is a two storey bay fronted semi detached house. It has a garden and drive at the front and a detached garage. To the rear it is extended single storey. The rear garden is fenced with planting screening the land beyond which appears to be the garden to White House, a property located a distance away to the north. The adjoining neighbour is No.181 and has patio doors to the party wall side and is then extended single storey. To the opposite side No.177 sits at an angle and is extended single storey at the side and rear.

The application includes extending two storey at the front 1.5m deep and 2.9m across to form a porch with bathroom above. At the side a two storey extension would come out 3.1m and run for 6m along to the rear elevation. It would then extend as a two storey rear extension 3.7m deep for 5.5m across. At this point the extension would reduce to 1m in depth as two storey with the ground floor extending as single storey a further 2.7m to be level to the rear extension. The extensions would form a porch, study, kitchen and living room with two extended bedrooms and an additional one and extended bathroom.

Relevant Planning History

None.

Publicity

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

Statutory/Non-Statutory Consultations

None.

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 side extension would have a hipped roof with full height bay windows to match the existing. The front extension would not project excessively and be centrally located with a hipped roof. It is not considered that it would appear intrusive in the street scene. A similar front extension was approved recently at No.187 (67813). To the rear the two storey would have a hipped roof and the single storey a monopitch. The proposal has been revised from the original submission to remove a balcony which was proposed to the party wall side. Materials are noted to be to match the existing.

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 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 proposal would see the garage removed and following the extension a drive in excess of 5m would remain with part of the garden surfaced in porous materials. A condition is added for the

5m drive length to be retained. The proposal would not then result in the loss of off street parking and the site is located close to the town centre with public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - In relation to the adjoining No.181 the proposed two storey would project 1m deep from the rear elevation of this property. The ground floor would project out to 3.7m. This would be 0.7m deeper than the 3m SPD6 considers acceptable and is generally permitted development. A material consideration is the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case. As such there are not considered to be any justified grounds for refusal with regard to the additional 0.7m.

No.177 to the opposite side sits at an angle and is extended single storey at the side and rear. The proposed extension would not encroach the 45 degree line from the mid point of the rear of the single storey or the habitable room windows to the party wall side. The windows to the side elevation of the proposed extension to the side to No.177 would be to ensuites and a bathroom. A condition is added for obscure glazing.

There would be a distance in excess of 7m from the proposed first floor bedroom window to the rear boundary.

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 22/684/01, 22/684/02, 22/684/03, 22/684/04A, 22/684/05A, existing and proposed site plan 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 Before the first occupation of the extension hereby permitted the windows to the south 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 two storey side extension hereby approved shall be provided to the satisfaction of the Local Planning Authority 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	23/05/22		