

DELEGATED REPORT

Report by Amanda

Date of report: 11/03/2022

Ref:67954/FUL

Uhunmwagho

Registration: 02/02/2022

LDfC: 25/02/2022

Expiry Date: 30/03/2022

Site Visit: 24/02/2022

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 extension to side and rear; Landscaping including new driveway at front

Location: 13 Timberhurst, Bury, BL9 7NZ

Description

The application relates to a two storey semi-detached property with bay windows to the front. The front of the site is open to the highway in front and there is hardstanding to the front and side of the property with a garden to the rear. There is a small timber shed and a greenhouse in the rear garden. There are fences to all boundaries to the rear garden and running along the rear boundary fence there are tall conifer trees on land belonging to no.9 Conway Drive.

The proposal is to build a single storey extension to side and rear as well as landscaping including new driveway at front. The proposed side extension would be set back from the main front elevation. It would measure 4m wide at the front and 4.5m at the rear. The length of the extension would be 7.1m and the roof would be pitched.

The single storey rear extension would project 1.5m from the existing rear elevation and it would measure 3.15m wide. The pitched roof would run across the whole of the rear elevation.

A short brick retaining wall has been built to the front of the dwelling and in front and to the side would be hardstanding for parking within the site.

Relevant Planning History

N/A

Publicity

Four neighbours notified - No comments or objections 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. 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 proposed extensions would be to the side and rear of the property and they would be built with materials and a design that would be considered in keeping with the existing building. As the side extension would be set back from the front elevation of the existing dwelling it would not appear intrusive in the general streetscape to the front.

The area to the front and side of the property is mostly hardstanding already so this part of the development would not have any significant detrimental impact on the character of the existing street scene. The agent has advised that the new permeable block paving to the new driveway would be finished with a brindle colour to compliment the existing dwelling.

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 -

The side extension would provide a garage on the site which would be around 6m from the front site boundary and around 4.4m to the rear boundary. As a garage would not be considered a habitable room the short distance to the rear boundary would be acceptable in terms of SPD 6. In addition the conifers at no.9 Conway Drive would screen views to and from the site.

The single storey rear extension would add a bay window to an existing dining room. As it would project just 1.5m along the shared boundary with no.14 next door. There would also be over 8m from the rear window of this extension to the rear boundary. This would be acceptable in terms of SPD 6.

To the south of the site the garage would be 7m from the highway, at its closest point. As such the new structure would not have any significant detrimental effect on the adjacent highway.

There is existing hardstanding to the front and rear of the site. The plans show that a drainage channel would be constructed as part of the new hardstanding to prevent excessive flooding. The agent has confirmed via email on 09/03/2022 that the materials used to construct the driveway forward of the proposed garage would be a Marshall's permeable block paving system and the colour would be brindle to compliment the house and proposed extension. They have also advised that the surface treatment for the side parking area is yet to be determined but any run-off water would be intercepted by the drainage channel shown on the proposed plan.

Taking the above in to account 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 and that the rear extension would not project more than 3m along the shared boundary with the attached dwelling.

Parking -

Timberhurst is not an adopted highway and as such the highways team were not notified of this application. The proposal is to create a garage on site as well as extending an existing dining room. There would be no increase of the number of bedrooms at the property. However, with the addition of the garage and additional drive way area on site parking within the site would be vastly improved whilst retaining a good sized garden area to the rear.

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.

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- 2 This decision relates to location plan and proposed site layout received on 07/01/22, proposed side elevations received on 02/02/22, existing side elevation received on 03/02/22 and revised existing and proposed plans received on 11/03/2022 as modified by the email from Mr Stephen Partington MBENG dated 11/03/2022. 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 The driveway and parking arrangements indicated on the approved plan received on 11/03/2022, incorporating the provision of a new hardstanding in a permeable material and/or measures to prevent the discharge of surface water onto the adjacent highway shall be implemented prior to the extension and enlarged driveway hereby approved being brought into use.
Reason - To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adjacent highway.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 11/03/2022			