

DELEGATED REPORT

Report by Amanda

Date of report: 14/12/2021

Ref:67673/FUL

Uhunmwagho

Registration: 29/10/2021

LDFC: 26/11/2021

Expiry Date: 24/12/2021

Site Visit: 02/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Erection of two/single storey rear extension; Juliet balcony at rear

Location: 15 Trimingham Drive, Bury, BL8 1JW

Description

The application property is a two storey detached house with gardens to the front and rear of the dwelling. The proposal is to build a single/two storey extension on the rear of the property. The extension would project 4000mm from the existing rear elevation and it would extend across the whole width of the building. The first floor section would be built to the north west side of the extension. It would project 4000mm and would measure 6589mm wide. The roof over the two storey section would be pitched with a mono-pitched roof to the single storey section. There would also be a Juliet style balcony window to the new bedroom.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 04/11/2021 - One objection from the neighbour at 11 Trimingham Drive to the north west of site. They have given the following reasons of objection;

- I live next door to the above property and am concerned that the proposed extension will block the light into my study. This room has only the one window and it faces towards number 15. In the early morning, the sun streams through. The proposed building will restrict the light and warmth and also obstruct my view.
- My satellite dish is mounted on the wall at that side of my house and will have to be re-located, at some cost and trouble, to ensure the signal.

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.

As the extension would be built wholly on the rear elevation of the property there would be no impact on the character of the street scene along Trimmingham Drive. The extension would be built with materials and a design that would be considered to be in keeping with the existing building and it would be similar to neighbouring dwellings. As such there would be no significant detrimental effect on visual amenity in the area.

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 are no residential properties directly to the rear of the site.
- There would be around 28m from the rear elevation to the rear boundary of the site which would be acceptable in terms of SPD 6.
- The 45° rule would be satisfied with regards to the relationship of the proposed two storey extension to the closest ground floor habitable room window/door on the rear of no.17 next door.
- With regards to the single storey rear extension the 45° rule would be compromised in terms of the ground floor habitable room window closest to the shared boundary at no.17. However, the site is due north west of no.17 and there would be a 1200mm gap from the extension to the shared boundary. It is also noted that the applicant could build a 4m projecting single storey rear extension as permitted development. Taking this in to account along with the north west position and that the neighbour has not objected to the proposal it is considered that the single storey extension would be acceptable in terms of SPD 6.
- No.11 Trimmingham Drive to the north west of the site has been extended to the rear with a two/single storey extension. When extending the property an original window was relocated to the side elevation of the property, facing the site. In their objection the owner of this property has advised this room is a study. As the window in question is not an original window and it is not to a habitable room it carries less weight than a principal window to a front or rear elevation of a dwelling. With this in mind although the proposed extension would be built adjacent to this window and would no doubt restrict some light to this room it would not warrant refusal of the proposal.
- The two storey extension would project approximately 2200mm past the rear elevation of the two storey extension at no.11 and it would be set back from the ground floor extension by around 1700mm. There would be one first floor bathroom window installed in the side elevation adjacent to no.11 which would be conditioned to remain obscurely glazed and the 1000mm gap from the side elevation to the shared boundary is to be retained. With this in mind it is considered that there would be no significant detrimental effect on residential amenity at no.1 Trimmingham Drive.
- The number of bedrooms at the property would remain the same as would parking arrangements to the front of the property.

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 the 45° rule from nearest relevant window of the adjacent property.

Response to objection -

The concerns of the neighbour have been addressed in the report above.

With regards to concerns about views from the side window at the property there is no right to a view and the owners of that dwelling previously extended the property in 1999 (ref 35013) and it appears from the plans that the side window to the study was originally located on the rear elevation. This has been addressed above.

Any issues arising with the neighbour's satellite dish would be a civil matter which they would need to discuss with the applicant.

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 numbered 2137-PM-SLP, 2137/PM/01 Revision A and 2137/PM/02 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 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 new windows to both side elevations 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 - 14/12/2021		DM	15/12/2021