

DELEGATED REPORT

Report by Amanda

Date of report: 30/03/2023

Ref:68982/FUL

Uhunmwagho

Registration: 01/03/2023

LDfC: 30/03/2023

Expiry Date: 26/04/2023

Site Visit: 03/03/2023

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: First floor side extension

Location: 65 Bankhouse Road, Bury, BL8 1DY

Description

The application relates to a two storey semi-detached house. There is a pitched roof garage to the side and a flat roof single storey extension to the rear. The whole of the front of site is paved providing on site parking for at least two vehicles. There is a path to the side of the dwelling leading to the rear garden which has fences to all sides as well as planting. Directly to the rear of site is Kirklees trail and areas of woodland.

The proposal is to build a first floor extension above the existing garage. It would be built flush with the existing front and rear elevations and the roof would be pitched to match the existing roof. The extension would provide a new bedroom and en-suite bathroom with windows to the front and rear elevations. There are two small windows to the side elevation. One of the windows would be bricked up and the other would be increased in size and fitted with obscure glazing.

Relevant Planning History

N/A

Publicity

Neighbours notified on 09/03/2023 - 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.

In most cases where there would be a first floor extension close to a shared boundary a 1.5m set back to the front elevation would be expected. However, a lesser, or no set back could be acceptable in some instances depending on the site layout.

In the case of this site there is a path to the side of the property measuring around 1m wide. Directly adjacent is a path to the side of no.63 Bankhouse Road, of a similar width. No.63 also has a single storey garage to the side of their property. If the neighbour at no.63 was to extend above the existing garage in the future it is likely that the gap of 2m in between the two properties would be retained. With this in mind terracing between these two properties would not be a concern in the future.

The extension would be built with materials and a design that would be considered to be in keeping with the existing building, as well as remaining similar to others in the area. As such there would be no significant detrimental effect on the character of the existing streetscene.

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 to the rear of site.
- The extension would be around 13.5m from the rear boundary.
- Properties to the front would be a sufficient distance from the proposed extension not to have any significant detrimental effect on residential amenity.
- As the extension would be to the first floor only there would be no impact on the existing parking arrangements to the front of the site.
- The extension would be built on the east side of the existing building. As such it would not have any detrimental impact on residential amenity at no.67 Bankhouse Road, attached to the west.
- As the extension would be to the first floor only and it would be around 1m from the shared boundary with no.63 there would be no concerns regards encroachment.
- No.63 next door has a single storey garage situated around 1m from the shared boundary, with one obscure glazed window to the side elevation. The only other window to the side of no.63 is a first floor landing window.

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 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 site as existing has an area at the front for parking up to two vehicles and this would remain following the first floor extension being constructed. There is parking available to the highway front and the site is close to public transport routes. In this instance then the parking arrangements are considered sufficient.

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 2022_09_02-00, 2022_09_02-01, 2022_09_02-02, 2022_09_02-03, 2022_09_02-04, 2022_09_02-05, 2022_09_02-06

and 2022_09_02-07 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 window 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	-30/03/2023	DM	17/04/23