

DELEGATED REPORT

Report by Amanda

Date of report: 22/06/2022

Ref:68404/FUL

Uhunmwagho

Registration: 18/05/2022

LDfC: 10/06/2022

Expiry Date: 13/07/2022

Site Visit: 30/05/2022

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: Part single/two storey side extension; Two storey/single storey rear extension; Front bay window; Front porch

Location: 4 Mansfield Avenue, Ramsbottom, Bury, BL0 9US

Description

The application relates to a two storey semi-detached house with gardens to the front and rear of the dwelling. The property and site is currently in the process of being developed and as such both the front and rear gardens have been dug over. There is a drive way to the front/side of the site and the front boundary is open to the highway in front.

To the rear of the property the garden is fairly long with fences to all boundaries. The site is quite open to view from the rear of neighbouring gardens due to low fencing to either side and not much planting. The attached property, 2 Mansfield Avenue has a conservatory adjacent to the shared boundary.

The proposal is to build a single/two storey side extension, single/two storey rear extension, a bay window to the front and a front porch. The side extension would be set back from the front elevation by 3.2m and it would measure 1.4m wide. The side elevation would extend 10m to the rear. The first floor element of the side extension would be set back around 1.81m from the front elevation of the ground floor section.

At the rear the extension would project a total of 5m at ground floor level and it would measure 7m wide. The roof would have a shallow pitched roof with three rooflights. The first floor element would project 1.45m from the existing rear elevation and the roof would be pitched. The plans show that the whole of the rear extensions would be built set off the shared boundary with no.2 by 200mm.

At the front the porch would project 1.4m from the existing front elevation and it would measure 2.37m wide. The roof would be pitched and there would be a small window to either side elevation. The bay window would be installed to the existing lounge. It would project around 600mm from the existing front elevation and it would measure 2.16m wide. The roof would be hipped.

The proposed site plan shows that a lawned area would be created to the front garden with the drive way retained to the front/side of the property.

Relevant Planning History

N/A

Publicity

Neighbours notified on 20/05/2022 - No objections or comments received.

One neighbour did request a visit to their property to discuss the proposal and how it might impact upon their property/garden. They were advised to submit any comments in writing if they wanted their concerns to be considered. No written objection or comments were subsequently received from this neighbour.

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 single/two storey side and rear extensions would not be readily visible in the street scene along Mansfield Avenue. However, the proposed finished materials to be used in the construction of the extensions and its design would be considered to be in keeping with the existing building.

The main changes to the front elevation would be the new porch and introduction of a bay window. These would not be considered as uncommon features on this type of property and the proposed materials and design would remain in keeping with the existing dwelling. As such the porch and bay window to the front would be considered 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 -

- Properties to the front of the site would be more than a sufficient distance from the extended dwelling not to have any significant detrimental effect on residential amenity at these properties.
- There would be around 10.5m from the rear elevation of the single storey rear extension to the rear site boundary and around 14 from the proposed first floor. These distance would be acceptable in terms of SPD 6.
- The proposed site plan shows that the conservatory to the rear of no.2 Mansfield Avenue projects around 4.5m from the original rear elevation. This means that the proposed single storey rear extension would project around 500mm past the rear elevation of this structure. This would be in line with the requirements as set out in SPD 6.
- There is a first floor bedroom window to the rear elevation of no.2 adjacent to the shared boundary. In terms of SPD 6 because there is a conservatory at ground floor level the applicants could build a first floor extension projecting up to 3m from the rear elevation without it being considered significantly detrimental in terms of its impact on residential amenity to the nearest first floor window. As the first floor extension would project just 1.45m from the original rear elevation this would be in line with requirements as set out in SPD 6 and any detrimental impact on the first floor rear bedroom window at no.2 would not be considered sufficient enough to warrant refusal of the proposal.
- The proposed plan shows that the whole of the rear extension would be set away from the shared boundary with no.2 by 200mm. This would ensure that there would be no encroachment on to land belonging to no.2 both above and under the ground.
- With regards to no.6, unattached to the south there would be no windows in the side elevation of the proposed extension and there are no windows to the side elevation of no.6. With this in mind there would be significant detrimental effect on privacy levels at this property.
- The extensions would be positioned around 800mm away from the shared boundary with no.6 meaning there would be no concern regards encroachment on to land at this property.

- If the internal layout at no.6 is the same as at the application property then the two ground floor windows at the rear are to a kitchen/dining room. The single storey rear extension would project 5m beyond the rear elevation of no.6 which is not extended. Taking in to account that the site is due north of no.6 any impact on light to the rear of this property and its garden would be negligible and not considered significantly detrimental in terms of residential amenity at this property.
- In terms of its projection of 5m the single storey rear extension could be considered acceptable in terms of the Larger Homes scheme which allows some properties to the extend at the rear (single storey) up to 6m where a neighbour does not object. Given that the owners of no.6 have not objected to the proposal the 5m projection would be considered acceptable in this instance.
- The proposed two storey element would satisfy the 45° rule in terms of its impact on the nearest relevant ground floor window to the rear of no.6.
- The drive length to the front would be around 8.8m which would be acceptable in terms of SPD 6.
- The proposed front porch would not interfere with parking arrangements within the site and it would be a suitable distance from the shared boundary with no.2, attached to the north side, not to have any significant detrimental effect on windows to the front of that property.
- The front bay window would be a relatively small window projecting around 600mm from the existing front elevation and it would be positioned around 1m from the shared boundary with no.2. This part of the development would not cause any harm in terms of residential amenity at no.2 next door.

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 residential amenity.

Parking -

The proposal would increase the number of bedrooms from 3 to 3 plus a study 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 a vehicle and this would remain following the side extension which would be set back from the front of the property. The area is high access in terms of public transport. 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 (DR)A50, (DR)A100, (DR)A101, (DR)A102, (DR)A103 and (DR)A104 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 22/06/2022			