

DELEGATED REPORT

Report by Amanda

Date of report: 21/03/2024

Ref:70553/FUL

Uhunmwagho

Registration: 26/02/2024

LDfC: 21/03/2024

Expiry Date: 22/04/2024

Site Visit: 15/03/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of existing garage and erection of a single storey side/rear extension

Location: 37 Shepherds Close, Tottington, Bury, BL8 4BL

Description

The application relates to a semi-detached bungalow with gardens to the front and rear of the dwelling. There is an attached flat roof garage to the side of the property with driveway in front providing on site parking for at least two vehicles.

The proposal is to demolish the existing garage and build a single storey side/rear extension. The extension would be built flush to the existing front elevation of the existing dwelling and would extend towards the rear of the site, extending beyond the existing rear elevation by 5611mm. The extension would measure 3378mm wide at the front and 4025mm at the rear and the roof would be pitched. The extension would provide a further bedroom, en-suite bathroom and lounge. The proposed finished materials would match the existing building.

Relevant Planning History

N/A

Publicity

4 neighbours notified on 28/02/2024 - 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

PFE Places for Everyone

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 extension would not project forward of the existing front elevation of the bungalow, meaning the extension would not have any significant detrimental effect on the character of the streetscene, and it would be finished with materials that would match the original building. There are several other properties on Shepherds Close that have been extended with similar designs. As such the proposed development 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 -

- There would be sufficient distance from the front elevation of the extension to properties opposite not to have any significant detrimental impact on residential amenity at those properties.
- There would be just over 8m from the new bedroom window to the front boundary. This distance would be acceptable in terms of SPD 6.
- The side elevation would be 750mm away from the shared boundary with no.35 Shepherds Close next door. As such there would be no concerns regards encroachment.
- The only window on the side elevation would be an en-suite bathroom. A condition would be added to ensure this window remains as obscurely glazed at all times to ensure privacy between users of this room and the neighbour.
- At the rear the extension would be around 1333mm from the rear boundary at its closest point. As the extension wouldn't have any windows in the rear elevation and it would be single storey only the extension would be screened from views from the rear by the existing hedge along the boundary. However, there are no residential properties to the rear. Directly to the rear of the site is a track with open fields beyond.
- To the rear of the extension there would be bi-folding patio doors opening up on to the garden. This opening would be around 7m away from the shared boundary with the attached property which has a single storey rear extension directly adjacent to the shared boundary and existing 1.8m high fence. As such it is considered that there would not be any significant detrimental effect on residential amenity at this property.
- The remaining driveway to the front of the extension would still accommodate two vehicles.

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 1 to 2 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 2 parking spaces. Following completion of the development there would be 2 parking spaces remaining to the front of the dwelling. The area has on street parking and there is public transport available nearby. 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.

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- 2 This decision relates to drawings numbered P01, P02, P03, P04, P05 and P06 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 en-suite bathroom 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 - 21/03/2024		DM 21/03/24	