

DELEGATED REPORT

Report by Helen Pressley	Date of report: 25/04/2024	Ref: 70592/FUL
Registration: 20/03/2024	LDfC: 22/04/2024	Expiry Date: 15/05/2024
Site Visit: 24/04/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two/single storey extension at rear with juliet balcony and alterations to first floor rear windows; Single storey extension at front and installation of new first floor window at front

Location: 9 Larkfield Close, Tottington, Bury, BL8 4QJ

Description

The application relates to a two storey detached property located on Larkfield Close. The dwelling has a projecting single storey garage, driveway and gardens to the front. To the rear is a fenced area of private residential amenity space that backs onto a golf course.

Planning permission is sought for the construction of a single storey extension to the rear that projects approximately 3.6 metres. Above the single storey extension, it is proposed to construct a two storey extension on the north west corner that would project approximately 2 metres. To the front of the property it is proposed to construct a single storey extension that projects approximately 1.6 metres.

The existing garage would also be converted to a store and gym with the garage door retained. At front first floor it is proposed to amend the existing window arrangement above the garage to provide 2 new windows separated with a brick infill rather than a single window as existing.

The application is a resubmission of application 68278 which sees the previously approved porch and bay window to the front replaced with the single storey.

Relevant Planning History

68278 - Part single/Part two storey extension with Juliet balcony at rear; Single storey extensions at front - Approve with Conditions 06/06/2022

Publicity

Neighbour letters sent 27/03/2024. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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), the adopted Places for

Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

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.

To two storey rear extension would have a dual pitched roof with matching tiles and glazing to the rear and south side elevations in the form of juliette balcony windows. The ground floor would be flat roofed with a lantern light and bi fold doors with the brickwork to match the existing.

The proposed single storey front extension would not project excessively from the front elevation and the openings would be suitably aligned. There are a number of porch extensions and canopies to the front of properties with similar lean to style roofs as the proposed extension and as such it is considered that the proposed front extension would not have a detrimental impact on the character of the property or street scene.

The plans note the first floor front window to be split to 2 smaller ones. The proposal would see minor alterations to the front elevation and would not be out of character in the street scene.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area. As such the proposal is considered to comply with the policy considerations set out above.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed two storey rear extension would not encroach on a 45 degree line as taken from the midpoint of the nearest ground floor windows of No.11
- The proposed ground floor would see some encroachment of the 45 degree line as taken from the midpoint of the nearest ground floor windows of No.11 but not the 25 degree line. At 3.6m deep the single storey would also be less than the permitted development depth for detached properties.
- No new windows are proposed within the rear extensions facing towards No. 11
- The existing side window within the existing garage that faces towards No. 11 would be reduced in size and would still be associated with a non-habitable room (gym).
- The proposed ground floor rear extension would not project more than 3 metres beyond the rear of No. 7 as extended.
- First floor side juliet balcony would be located 7 metres from the shared boundary with No. 7 complying with SPD 6.
- No new ground floor windows proposed facing towards No. 7
- Proposed rear first floor windows would be located approximately 7.6 metres from the directly facing boundary complying with SPD 6.
- Proposed rear ground floor windows would be screened by existing boundary treatments.
- Proposed front extension would not project beyond the principal front elevation of No. 7
- Proposed front extension would be screened from No. 11 by the existing garage.

Whilst the first floor rear windows are juliette balcony windows as the roof below is flat an informative is added as follows. *The applicants attention is drawn to the fact that the construction or provision of a verandah or balcony requires planning permission.*

The proposal is considered to comply with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Parking

The proposal would not increase the number of bedrooms, internal alterations would see the 4 beds reduced to 3 with one becoming a study. As such SPD 11 Parking Standards need not be considered. The proposal would not affect the existing parking arrangements with the two space drive remaining.

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 R-0682-SLP, R-0682-01, R-0682-02 Rev B, R-0682-03 Rev B, R-0682-04 Rev H, R-0682-05 Rev E, R0682-08 Rev D 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 Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	25/04/2024	DM	26/04/2024