

DELEGATED REPORT

Report by Amanda

Date of report: 24/04/2024

Ref:70601/FUL

Uhunmwagho

Registration: 26/03/2024

LDfC: 24/04/2024

Expiry Date: 21/05/2024

Site Visit: 22/04/2024

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: Two/single storey rear extension and first floor side extension

Location: 7 Bellerby Close, Whitefield, Manchester, M45 7UB

Description

The application relates to a two storey detached house with a conservatory on the rear. There is an integral garage to the front with driveway in front for upto two vehicles. There is a small open plan front garden with planting along part of the shared boundaries with numbers 5 and 9 Bellerby Close. There is also a short brick wall and railings along the shared boundary with no.5 at the front /side of the dwelling. At the rear there is a private garden with fencing and planting to all boundaries.

The proposal is to remove the existing conservatory and build a single/two storey rear extension along with a first floor side extension. At the side the first floor extension would be set back from the original front elevation by 1.22m and the roof would be pitched. The garage would be converted into an office and utility room. The garage door to the front would be replaced with a window and there would be a high level utility room window to the side elevation.

At the rear the extension would project 3m from the original rear elevation and it would measure 10.6m wide. Along the north side elevation the extension would project 5.98m from the rear of the existing garage structure. The two storey extension would be to the side of the main dwelling as well as to the rear. At the rear it would measure 5.64m wide and the roof would be pitched.

The single storey extension would project 3m from the existing rear elevation, it would measure 4.2m wide and the roof would be flat.

Relevant Planning History

N/A

Publicity

6 neighbours notified on 02/04/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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), 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.

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 extensions would be built with a design and finished materials that would be considered to be in keeping with the existing building, as well as remaining similar to other properties along Bellerby Close. As such the design of the proposal is 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 -

- As the site is set back at the head of a cul-de-sac, with the side elevation facing the highway any views from the proposed extension would overlook the driveways and front gardens at numbers 8 and 9 Bellerby Close only. The new bedroom window would be just under 7m from the front boundary but as these areas are open to the public realm there would be no concerns regards loss of privacy due to the position of the first floor side extension.
- The proposed side extension would project around 3m forward of the front elevation of no.5 next door. The proposed first floor extension would be acceptable in terms of the 45° rule as measured from the centre of the closest ground floor habitable room window on the front elevation of no.5 and as such it is considered it would not have any significant detrimental effect on residential amenity at this property.
- There would be one high level utility room window to the ground floor of the north side elevation adjacent to no.5 Bellerby Close, which has a blank side elevation. As such there would be no significant detrimental impact on residential amenity at that property.
- At the rear the two storey extension would be set back from the rear elevation of no.5 by around 2m.
- There would be around 10m from the two/single storey rear extension to the rear boundary. This would be acceptable in terms of SPD 6.
- The single storey rear extension would result in the application dwelling projecting around 5.1m past the rear elevation of no.9 next door. As the extension would be single storey only, the site is due north of no.9 and that neighbour has not objected to the proposal the single storey extension would be considered acceptable in terms of the Larger Homes Scheme.
- There would be no windows in the south side elevation facing no.9 Bellerby Close.
- The drawings show that all of the development would be built within the site boundaries and Certificate A has been signed on the application form. As such there would be no concerns regards encroachment onto neighbouring land.
- Part of the development would be to convert the existing garage into an office and utility room. This would result in the loss of one parking space within the site. However, there would be two parking spaces remaining 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.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 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 a drive at the front for the parking of two vehicles. The area has on street parking close by. With the two existing spaces it is considered that the parking arrangements are sufficient in this instance and there are no grounds for refusal.

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 831-00a, 831-01, 831-02, 831-03, 831-04a, 831-05, 831-06 and 831-07 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 24/04/2024		DM	26/04/2024