

DELEGATED REPORT

Report by Mo Warsame	Date of report: 29/04/2024	Ref: 70501/FUL
Registration: 26/02/2024	LDFC: 22/03/2024	Expiry Date: 22/04/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side/rear and single storey extension at rear

Location: 77 Cunningham Drive, Bury, BL9 8PD

Description

The application relates to a two storey semi-detached house on a residential road of similar properties. There is a driveway to the side and a large rear garden. There are houses either side and a large open field to the rear.

Planning permission is sought for a two storey extension at the side/rear and single storey extension at rear. The two storey element would be well set back from the principal front elevation and would project 1.4m to the side, 4m to the rear and leaving a setback of 2.4m from the attached property on the first-floor level. The single storey element would also extend 4m to the rear. The proposed development would accommodate two additional bedrooms on first floor, one with ensuite and a new office, utility room along with an open plan kitchen/diner/longe extension on the ground floor. The development would have a pitched roof and utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. One objection received.

Comments

There is a concern regarding the impact of the the two storey element due to its position. There is also a concern of whether the development would lead to loss of daylight/sunlight and cause other implications such as over shadowing due its position.

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy

Pre-start Conditions

N/A

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed single storey rear extension would not be visible from the street scene as it would be tucked in behind the proposed two storey side extension. The extension would have a simple design that would not detract from the character of the dwelling. Therefore, the single storey extension to the rear would be considered suitably in design and modest in scale.

The two storey side/rear element would be visible from the street scene. However, it would be substantially setback from the principal front elevation. The two-storey side/rear extension would also have a simple design and given its minor projections to the side and rear and its setback from the front and side, it would not detract from the character of the dwelling or over dominate it. The extension would have a hipped pitched roof, effectively replicating the style of the host property. Furthermore, the development would be constructed with materials that would match the existing dwelling. As such, the proposed two-storey extension would not be a prominent feature in the street scene and would therefore be acceptable.

Overall, it is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4 metres along the shared boundary would be considered acceptable in this instance.
- There would be no impact on the adjacent neighbouring properties in terms of overlooking and privacy, as there would be no proposed side windows on the first floor except for one windows from non-habitable room (bathroom) which would be conditioned to be obscure glazed. The proposed side window on the ground floor would be shaded by the existing high fence. Furthermore, following the application of the 45-degree rule, the two storey extension would not encroach on the adjacent neighbours.
- The proposed two storey side extension would be to the south of the adjacent property (No.75) and therefore, there would be some overshadowing and reduction on the level of sun light currently enjoyed by this adjacent neighbour. However, it would not be seriously excessive above and beyond the existing situation. Furthermore, the majority of the impacted area would be to the side of this property and SPD6 states less weight will be afforded to habitable room windows located on side elevations. As such, the situation would not be drastic and overbearing and therefore, would not warrant a refusal.
- There would be over 20 metres to the properties in the front and approximately 13 metres from the rear elevation of the proposed development to the rear boundary which meets the 7 metres set out in SPD 6.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Response to Objection(s)

The report has addressed the concerns of the objecting party. The two storey side extension would cause some minor overshadowing and result in the reduction of the sunlight currently enjoyed by the concerning neighbour mainly on the their side elevation. However, the situation would not be drastic and overbearing and therefore, would not warrant a 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 dwg no.T23-196-01, dwg no.T23-196-02, dwg no.T23-196-03, dwg no.T23-196-04, dwg no.T23-196-08 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.
- 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 proposed side windows on the first floor 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>
MW	29/04/2024	DM	29/04/2024