

DELEGATED REPORT

Report by Amanda

Date of report: 28/11/2022

Ref:68901/FUL

Uhunmwagho

Registration: 20/09/2022

LDFC: 27/10/2022

Expiry Date: 15/11/2022

Site Visit: 03/11/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension; first floor side extension and new first floor window at front

Location: 191 Parr Lane, Bury, BL9 8JW

Description

The application property is a two storey link-detached house with a flat roof garage to the side which has been previously converted in to living accommodation. To the front of the dwelling there is a drive way and garden which is open to the highway in front. Access to the rear garden is through the property. The rear garden is mostly decked with a small area of lawn. There are fences to all boundaries.

The proposal is to build a first floor extension to the side as well as single storey in-fill extension to the rear. The first floor extension would be built flush with the existing front and rear elevations of the property and the side elevation would be around 1m away from the side elevation of no.189 Parr Lane next door.

There would be windows to the front and rear elevations and an existing bedroom window would be repositioned to the front elevation. The existing flat roof would be removed to construct the side extension and a pitched roof would be added.

There would be a small single storey extension to the side/rear of the dwelling to create a ground floor wc. An existing wall along the boundary would be used with a new wall being built to the rear.

Relevant Planning History

N/A

Publicity

Neighbours notified on 06/10/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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 extensions would be built with materials and a design that would be considered to be in keeping with the existing building and also with neighbouring properties.

The property is different in relation to one of the attached perproperties with differing eaves

and roof height. The extension would still maintain a differentiation thus to avoid terracing.

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 and rear of site would be a sufficient distance away from the extended property not to have any detrimental effect on residential amenity at those properties.
- SPD 6 states that first floor habitable room windows should be at least 7m away from a boundary. As windows to the front and rear would be over 7m from the boundaries this would be acceptable in terms of SPD 6.
- As the extension would be built on the south side of the dwelling there would be no detrimental impact on residential amenity at no.193 Parr Lane next door.
- With regards to no.189 Parr Lane the side elevation of the first floor extension would be around 1m from the blank two storey side elevation so there would be no concerns regards encroachment.
- Bedroom 3 has an existing window to the side elevation. This would be repositioned to the front elevation. Given the property overlooks a highway this would not cause any harm in terms of residential amenity.
- The single storey rear extension would infill a small area adjacent to the shared boundary with no.189 next door. There is an existing wall along the shared boundary which the new rear wall would be built up to. There would be a single obscured window to the rear. This would be adjacent to the boundary fence which would screen any views to and from this window.
- The proposed development would not have any impact on existing parking arrangements within the site.

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 3 to 4 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 at least two vehicles and this would remain following the extension being completed. 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.

DELEGATED REPORT

- 2 This decision relates to drawings numbered ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03 and ZT22-196-04 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 28/11/22		DM 28/11/22	