

DELEGATED REPORT**Report by** Amanda**Date of report:** 11/11/2020**Ref:**65946/FUL

Uhunmwagho

Registration: 18/09/2020**LDFC:** 12/10/2020**Expiry Date:** 13/11/2020**Site Visit:** 09/11/2020**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:** First floor side extension and two storey extension at side/rear**Location:** 15 Chiltern Road, Ramsbottom, Bury, BL0 9LF**Description**

The property is a two storey semi-detached house which has been previously extended to the side and rear. The area to the front of the dwelling is completely paved and there is a private garden area to the rear. No.17 Chiltern Road, attached does not have any extensions to the rear and no. 13, unattached has a flat roof garage adjacent to the shared boundary and a conservatory to the rear.

The proposal is to build a first floor extension above the existing single storey side extension as well as a two storey extension to the rear. The plans show that the extension would be set back from the front elevation by 650mm and the overall length would be 9.7m. The roof would be pitched. At the front the extension would measure 1.55m wide and to the rear it would measure 2.52m wide.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 22/09/2020 - 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

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 -

The extension would be built with materials and a design that would not be uncommon on this type of property. The design of the proposal is considered to be in keeping with the existing building and when added together the 650mm set back at first floor level from the original front elevation and the gap to the side boundary of 880mm means the proposal is considered acceptable in terms of 'terracing' and the effect on the streetscene.

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 extension would be built on the north side of the existing property there would be no impact on residential amenity at no.17 Chiltern Road, attached to the south.

Given the extension would be to the first floor at the side and then two storey to the rear there would be no impact on the existing parking area to the front of the site.

The only new window to the front of the side extension would be to a bathroom and the front elevation of the extension would be more than a sufficient distance from properties on the opposite side of Chiltern Road not to have a detrimental impact on residential amenity at those properties.

At the rear properties on Cotswold Close are within 20m of the application dwelling already. The plans show there would be a first floor bedroom window installed to the rear elevation of the extension. As this window would be 7.5m to the rear boundary SPD 6 would be satisfied and there would be no seriously detrimental effect on privacy to properties and gardens to the rear.

No.13, unattached to the north has a flat roof garage adjacent to the shared boundary and one non-habitable room window to the side elevation. On the rear elevation there is a garage door and window closest to the boundary, a kitchen window centralised and a conservatory to the opposite side. The proposed two storey extension would project 3.74m beyond the rear elevation of no.13. As the site is due south of this property there would be some impact on light availability to the rear garden at some point during the day but as the majority of the rear garden at no.13 would be unaffected by the extension its impact would be considered minimal. It is also noted that this neighbour has not objected to the proposal.

Also with regards to no.13 as habitable the 45° rule would be satisfied in respect of habitable room windows on the rear elevation which are positioned well away from the shared boundary.

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.

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 1, 1A and 2A and also the location plan/proposed side elevation drawing received on 17/09/2020 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

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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 first floor window to the north 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 - 11/11/2020		DM	11/11/2020