

DELEGATED REPORT

Report by Amanda

Date of report: 08/02/2024

Ref:70292/FUL

Uhunmwagho

Registration: 15/12/2023

LDfC: 29/01/2024

Expiry Date: 09/02/2024

Site Visit: 31/01/2024

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side extension; external alterations and render to elevations.

Location: 12 Rothbury Close, Bury, BL8 2TT

Description

The application relates to a detached bungalow which has a conservatory to the rear. There is a garage at the front of the property with a driveway in front. Along the front boundary there is a brick wall. At the rear of the property there is a private garden with fences to all boundaries and there is an existing conservatory on the south elevation.

The proposal is to build a single storey side extension as well as adding off-white k-render to the existing and proposed elevations. The extension would be built in the same position as the existing conservatory. It would measure 5.8m long and 2.97m wide. The rear elevation would be built flush to the main rear elevation. The roof would be pitched with four rooflights. There would be two high level windows to the side elevation and doors to the rear.

Relevant Planning History

N/A

Publicity

9 neighbours were notified on 18/01/2024 - One objection was received.

- We do not have any objection to the rendering of the property however, we do object to the proposed 'single storey side extension.' We wish to object on the following grounds.
- As can be seen from the location plan the property at number 12 is set back from our house by approximately 12-15 feet.. It is intended that the extension will not only replace the current conservatory but will finish in line with the back of their property, thereby overlapping our house by some considerable distance.
- This, we believe will result in an invasion of our privacy. The two properties are extremely close, that is to say 4 feet 9 inches from our side wall to the dividing fence and approximately the same at number 12. As our bedroom is situated right on the back corner of our house, they will have a direct view into our bedroom. This is unacceptable. It also looks from the plans which aren't particularly clear that the floor level of the new build will be raised. This would further enhance their view into our property. We are also concerned that as the new build will be extremely close to our bedroom, we may well have issues with noise levels.
- We would not object to an extension the same size as the existing conservatory.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 single storey extension would be built on the rear of the existing garage. As such it would not be readily visible in the streetscene. It would be built with a design that would be considered to be in keeping with the existing building.

As there are a variety of finishings to properties in the immediate vicinity including brick, cladding and render, the proposed render to all elevations, both existing and proposed would be considered acceptable in this location and would not have any significant detrimental effect on the character of the existing 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 to the rear of the existing garage it would not have any detrimental impact on residential amenity at properties to the front of site.
- There is more than sufficient separation distance from the rear elevation of the extension to the rear boundary not to have any significant detrimental impact on residential amenity at properties to the rear and the existing boundary fence would also screen most views to and from the extension as well.
- As the extension would be built on the south side elevation there would be no significant detrimental effect on residential amenity at no.14 Rothbury Close to the north.
- The extension would be built flush with the existing rear elevation of the property and it would be positioned around 1.5m away from the shared boundary with no.10 next door, which would be the same as the existing side elevation. As such there would be no concerns regards encroachment on to land at no.10 Rothbury Close.
- The principal windows to the extension would be to the rear elevation with views over the applicant's own garden. As the extension would be single storey and there is an existing fence to all rear boundaries users of the room would not have direct views over neighbouring gardens.
- Given that the only new windows to the side of the extension would be high level windows along with 4 new rooflights, it is considered that there would be no significant detrimental effect on privacy levels at no.10 next door. A condition would be added that the high level windows should be retained at all times in order to maintain privacy levels between the two properties.
- As the extension would be built flush with the existing rear elevation it would result in the rear of no.12 projecting around 2.4m beyond the rear elevation of no.10. As this projection would be within limits as set out in SPD 6 and there would be a gap of around 1.5m from the extension to the shared boundary this would be considered acceptable in this location and any impact on no.10 next door would not be sufficient enough to warrant refusal of the proposal.
- The site is directly north of no.10. As such there would not be any significant detrimental effect on daylight to the rear of no.10 or their garden areas.
- It is noted that the applicant could build the single storey extension, or one of a similar style and size, on the side of the existing dwelling as Permitted Development. As such there would be no reason to refuse the proposal in this instance.
- The proposal to render all existing and proposed elevations would not have any

significant detrimental effect on residential amenity at adjacent properties.

Taking the above into account 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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive at the front of site.

Response to neighbour objection -

The objection has been addressed in the Residential Amenity section of the report above.

Any concerns regards noise pollution would need to be reported to Environmental Health for investigation.

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 and 2 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 and all existing and proposed elevations shall be finished with off-white coloured k-render.
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 windows on the south elevation shall be high level windows, as shown on drawing no.1 and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Bury UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	08/02/2024	HL	08/02/24