

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/02/2024	Ref: 70328/FUL
Registration: 15/12/2023	LDFC: 11/01/2024	Expiry Date: 09/02/2024
Site Visit: 26/01/2024	Site Notice: N/A	Press Date: N/A
15:00:00		
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension and external alterations

Location: 2 Albany Drive, Bury, BL9 9RD

Description

The property is a detached bungalow situated on Albany Drive, a residential street with similar style properties. The dwelling has a large sized garden to the rear enclosed by wooden panel fencing. There is planting and trees beyond the rear fencing where the site backs on to a cemetery. The adjacent neighbour to the north is No.4 Albany Drive and to the opposite side No.27, No.29 and No.31 St Peter's Road shares boundaries with the site.

Planning permission is sought for a single storey extension at the rear to accommodate an open plan kitchen/diner. It would be 5m deep and 8.7m across. The development would have pitched roof and would be constructed using matching materials.

Relevant Planning History

None.

Publicity

Neighbours letters sent. Two objections received.

Comments

The concerns relate to the proposed single storey rear extension, the scale of the proposed pitched roof, and its proximity to the shared side boundary. 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. The objecting parties have also stated health and wellbeing concerns as a result of this development.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments 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 extension would be single storey and would project from the highest part of the ridge of the main dwelling. Given the height, the proposed extension would appear overly large and bulky when viewed in context of this bungalow.

It is accepted that the proposed extension is located at the rear and would not be visible in the streetscene. However, the design of the extension would not appear principally

attractive nor subservient to the host property due to its large roof. In fact, the proposed roof would be more in line with a 2-story construction.

However, the height of the roof would mean that the proposed extension would not reflect the massing and scale of the existing dwelling and would dominate it when viewed from the junction of Albany Road and St Peter's Road. The design of the extension would not appear principally attractive nor subservient to the host property due to its large roof as it is more in line with a two storey construction.

Due to its height, design and position, the proposed extension is unacceptable in terms of bulk and massing and would be contrary to UDP Policy H2/3 Extensions and Alterations and guidance in SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed extension would have no proposed side windows facing the adjacent neighbour (No.4) and there would be sufficient distance to the rear boundary. Additionally the extension would not encroach the 45 degree rule.

The neighbouring property has a conservatory extension at the rear. The proposed extension would not extend beyond the rear elevation of No. 4 Albany Drive by more than 3 metres, which would comply with the guidance in SPD6. There would be sufficient distance to the rear boundary.

There would be no side windows facing No. 4 Albany Drive in the proposed extension, but there is a window in the side elevation of No. 4, which the objection states relates to a living room window. There would be 5.6 metres between the habitable room window and the existing bungalow. SPD6 states less weight will be afforded to habitable room windows located on side elevations. The 45 degree line when drawn from the living room window to No. 4 would hit the proposed extension at 3 metre point. While the proposed extension would project 5 metres, this would, on balance, be acceptable as less weight is afforded to habitable room windows located on the side elevation.

However, the roof on the proposed extension would project from the ridge of the main house and would be 5.6 metres in height, which is more akin to two storey. As such, the proposed extension due to the large roof would dominate the adjacent property (No.4) in terms of light. Moreover, the proposed extension would be to the south of this property and therefore overshadowing would be seriously excessive above and beyond the existing situation. As a result, this would result in a significant loss of light to the adjacent property.

A request to lower the height of the roof was put to the applicant, but they declined to do so.

Overall, the position of the proposed single storey extension, in relation to adjacent residential property (No.4), by reason of its height would result in a negative impact on residential amenity and would therefore drastically reduce the level of sunlight enjoyed by the occupiers of that adjoining property to an unacceptable degree. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

Response to Objections

The report have addressed the concerns of the objecting parties. The concerning comments are valid, and the development would have detrimental impact on the amenities of the neighbouring properties. Due to its height, design and position, the extension is unacceptable in terms of visual and residential amenities and as such, would be contrary to UDP Policy H2/3 Extensions and Alterations and guidance in SPD6.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The roof design of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.
- 2 The proposed development would be detrimental to the amenities of the adjacent property by reason of its height, bulk and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

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