

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/06/2022	Ref: 68272/FUL
Registration: 30/03/2022	LDFC: 03/05/2022	Expiry Date: 25/05/2022
Site Visit: 29/04/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two Storey Extension At Rear; Front Porch

Location: 37 Newington Drive, Bury, BL8 2NE

Description

The property is a dormer bungalow. It has a garden and drive to the front and an integral garage. To the rear the roof is extended with two pitched roof dormers. There is a fenced rear garden and no properties directly beyond the rear boundary. The adjoining property is No.39 and is extended at the rear with a flat roofed dormer. Low fencing separates the gardens. To the opposite side No.35 is also a dormer bungalow. It has a path along the side adjacent that to the site.

The application includes a front porch 0.9m deep and 2.8m across. The garage would be converted to an office, the door replaced with a window. To the rear the dormer to the outer side of the roof slope would be removed and replaced with an extension 3.9m deep and 5m across. The ground floor would form a kitchen with a bedroom above.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one responses has been received from a nearby neighbour. Their concerns in summary are :-

- Loss of light to No.35. Already had light taken away by the double roof extension to No. 37. If proposed double storey extension goes ahead will lose even more light from the back and side of No.35
- Not aware of any other bungalow on this estate with such a large extension. Would be totally out of character with the rest of the estate.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
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.

Visual amenity and design - The porch would have a pitched roof and would not project excessively from the front elevation. Materials would be light champagne render to the walls and roof tiles to match the existing house. Existing dormers would be re clad in black composite material. Located to the rear the proposed extension would not be readily visible from the main street view. It would have a dual pitched roof running from the existing ridge forming a rear gable with bi fold doors to the ground floor and Juliette balcony window above. Materials would be matching brick to the north side elevation and light champagne render to the rear and south side elevation. Roof tiles would be to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11

Parking Standards need not be considered. The existing drive would be retained and the Design and Access Statement indicates that it is intended to widen the drive to provide two spaces and surface with porous materials. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - SPD6 sets out criteria for two storey rear extensions and states that with regard to unattached properties a 45° line will normally be taken from the mid-point of the closest ground floor habitable room window and consideration will also be given to the impact to any outside amenity space in terms of overshadowing and overbearing development.

The proposed two storey would not encroach the 45 degree line from the mid point of the habitable windows to either the adjoining No.39 or unattached No.35. A plan has been included within the design and access statement to demonstrate this. In terms of impact on the outside space to the neighbouring properties then the proposal would be set 3.8m in from the boundary with the adjoining No.39. To the unattached No.35 the development would be to the south side. The site and No.35 are slightly angled away from each other and there is a gap separating the properties in the form of their paths and which is approximately 3m. Whilst the proposal is described as a two storey extension part of the first floor is located in the roof space and the extension would not then be a true two storey. The proposal has been revised from the original submission to lower the eaves. In conclusion, whilst the proposal would have some impact on light to the outside space to No.35 it is not considered that given the reasons stated that it would be to any unacceptable level that would give grounds for refusal. The proposal would be blank wall to the side to No.35 where extended and existing side windows would remain. The roof would have a high level roof light to the side slope. As such there would be no concerns regarding privacy.

There would be a distance in excess of 7m to the rear boundary and there are no properties directly at the rear.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

Ecology - The land north of the rear of the site is Barracks Lodge a Site of Biological Importance. As this is a Great Crested Newt terrestrial habitat Greater Manchester Ecology Unit recommended a reasonable avoidance method statement be undertaken by an ecologist. This has been provided and a condition is attached for works to be in accordance with the recommendations.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The issues regarding visual amenity and design and the impact on light to the relevant neighbouring properties are addressed in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 NTD-RALA-ZZ-XX-DR-A-(PL)-0000 Revision P02, NTD-RALA-ZZ-XX-DR-A-(PL)-0001 Revision P01, NTD-RALA-ZZ-XX-DR-A-(PL)-0002 Revision P03, NTD-RALA-ZZ-XX-DR-A-(PL)-0003 Revision P01 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 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 4 The recommendations of the Great Crested Newt Reasonable Avoidance Measures Survey dated 30/05/22 carried out by Pennine Ecological shall be fully implemented to the satisfaction of the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/06/22		