

DELEGATED REPORT

Report by Tom Beirne	Date of report: 03/02/2022	Ref: 67685/FUL
Registration: 11/11/2021	LDFC: 01/12/2021	Expiry Date: 06/01/2022
Site Visit: 12/01/2022	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: Single storey extension at side/rear

Location: 296 Walmersley Road, Bury, BL9 6NH

Description

The application relates to a semi-detached property located on Walmersley Road. The premises currently has gardens to the front, side and rear with a garage located within the rear garden. This garage is accessed from Linton Avenue.

Planning permission is sought for the construction of a single storey side and rear extension between the house and Linton Avenue, to the side road. The extension has been revised and would be set back 2m from the existing front elevation and would project out 2.5m towards the existing boundary. The boundary is set at an angle to the house so the is stepped with two pinch points of approximately 500mm. The plans indicated that the existing boundary would be retained with planting between the boundary and extension. At the rear, the extension projects out 5m. The roof would be hipped and the extension shall be finished in brick and tile to match the house.

Relevant Planning History

66755 - Single storey rear extension; Two storey side extension; Single storey front porch extension - Refused 20/05/2021

67275 - Two storey side extension; Single storey rear extension; Single storey front porch extension - Refused 02/09/2021

Publicity

Neighbour letters sent 11/11/2021. 1 objection received.

- size and location of the rear extension is not as our neighbour promised.
- 298 is due north of 296 therefore there is a light/shading issues to our amenity.
- The application is short on detail and supplementary information given the size of this development.
- The main foul sewer from 298 also passes under the proposed development envelope but is not noted.
- The submitted drawings do not show the surrounding buildings named and numbers, location of windows and bin storage as required in the Householder Validation Checklist.
- Drawing of the existing and proposed rear elevations show no difference in the northern wall location which contradicts the dimensions/drawing shown in other elevations/plans. This makes me doubt the accuracy of these drawings in general.
- The planing authority will also have to take into account SPD 6 section 4 in respect to this application.

Statutory/Non-Statutory Consultations

Traffic Section - The revised scheme is acceptable in terms of highway safety.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design

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

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.

SPD 6 advises that on corner plots, two storey and single storey extensions will normally be required to leave a minimum of 2 metres from the boundary with the highway to the side, but that a lesser set back may be acceptable where the prevailing pattern of development in the locality is typified by relatively shallow frontages.

The site is part of a street scene of semi-detached and detached properties that front onto Walmersley Road. To the rear of the site there is a detached, church building and a row of terraces that fronts Linton Avenue. Those properties on corner plots, such as the appeal site are positioned where they maintain a gap to the highway. No. 270 to the south has extended to the side at single storey to the side however a 2.5 metre gap to the side of the highway has been maintained. The flats at Cresta Court to the north of the site also maintain the prevailing density and provide a gap to the boundaries with Mosley Avenue and Walmersley Road.

In response to concerns about streetscape, the width of the proposed extension at the side has been reduced by 500mm to create a gap to the boundary and allow planting and in addition, it has been set back 2m from the front elevation. Whilst the gap to the side would be less than that suggested in guidance, the setback at the front and the boundary planting would mitigate the impact on the streetscape to an acceptable degree. The revised extension would now be considered to comply with Policy H2/3 and guidance contained within SPD 6.

Residential Amenity

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

The proposed single storey extension would project more than 3 metres beyond the rear of No.298 Walmersley Road, however the plans show that it would not impact on a 45 degree line as taken from the midpoint of the nearest ground floor habitable room window and there would be no significant impact from the single storey rear extension. This would comply with guidance contained within SPD 6. The proposed extension would be separated from No. 270 by a highway and a such would not be unduly overbearing. It is therefore considered that the proposal complies with guidance as contained within SPD 6 in this respect.

Access and Parking

SPD 6 and H2/3 seek to ensure that visibility for pedestrians, cyclists and drivers of motor vehicles is maintained. SPD 6 also provides more detailed guidance in relation to parking provision within the curtilage of a dwelling house. This is further supported by UDP Policy EN1/2 Townscape and Built Design that requires the consideration of the design and appearance of access, parking and service provisions.

Paragraph 7.1 of SPD 6 states that "extensions and alterations should not result in the loss of existing off-street parking provision unless it can be demonstrated that alternative provision can be made elsewhere within the domestic curtilage, without causing detriment to amenity, or highway safety."

The proposed access and parking arrangements have been amended to omit the previously proposed access and the Traffic Section now consider the plans to be suitable and therefore do not raise an objection.

Objection - The concerns raised by the objector have been addressed in the above report. The issue with regard to the drain is a matter for building control.

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 RAD/2521/21/1/C and 2/C 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 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 During construction, storage of all construction materials shall be provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The storage facility shall be retained and shall not be used for any other purposes other than the storage of construction materials.
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.
- 5 The revised car parking arrangements indicated on approved plan reference RAD/2521/21/2/C, incorporating the retention of the existing footway crossing position, removal of the sections of fencing identified, new driveway with measures to prevent the discharge of surface water onto the adopted highway as shown and any highway remedial works required to reinstate the adjacent adopted footway to its condition prior to commencement of the development and fence removal shall be implemented to the satisfaction of the Local Planning Authority prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	03/02/2022		