

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 20/11/2023	Ref: 69848/FUL
Registration: 25/09/2023	LDFC: 17/10/2023	Expiry Date: 20/11/2023
Site Visit: 19/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single and two storey side extension

Location: 84 Croft Lane, Bury, BL9 8BX

Description

The proposal relates to semi-detached dwelling that has a relatively unusual association to the attached dwelling in that the principal elevation addresses Melton Drive, whereas the principal elevation of no. 82 (the attached dwelling) opposes Croft Lane (at 90 degrees to the application property). As a result, the side elevation of the application property (facing south-west) represents the rear and addresses the rear garden. The rear elevation of the adjoining property faces in the same direction and projects around 2m further than the main two storey elevation of the application property, which thereafter has a single storey flat roof extension at the side (rear) that projects around 600mm further than the attached rear elevation.

The proposal is for a single and two storey side extension (at the side if viewed from Melton Drive and relative to the principal elevation). The two storey element would be flush with the principal elevation and span the full depth of the building to adjoin the side wall of the adjoining dwelling. It would be 3m wide and would project around 750mm further (south-west) than the rear elevation of the adjoining dwelling. The proposed hipped roof would be around 250mm higher than the existing gable roof that it would tie-in to. The proposed single storey element would have a flat roof and would be to the same depth and would project 3m off the proposed two storey element. Proposed materials would match the existing red brick and concrete tiles.

As a result of the extension, the dwelling would have an additional bedroom to become a four bedroom dwelling.

Relevant Planning History

47696 - PROPOSED PARKING FACILITIES AT 84 CROFT LANE - Approve with Conditions 20/04/2007

49784 - TWO/SINGLE STOREY EXTENSION AT REAR - Approve with Conditions 14/05/2008

Publicity

The proposal has been advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

None necessary.

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.

ASSESSMENT

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 specifically advises that two storey side extensions (and first floor side extensions) should be set back 1.5m at first floor level to prevent terracing. However, in cases where a gap is maintained to the boundary or where the extension pertains to a very short row of houses, then this requirement may be relaxed.

The established character of the area is one of routine 1960's/70's suburban dwellings of no particular note.

The host dwelling addresses Melton Drive and so the extension would appear as a side extension. The two storey element would be approximately half the width of the width of the principal elevation. The window arrangement to the north-east facing elevation would generally assimilate with the existing principal elevation. The hipped roof would replicate that at the adjoining dwelling. Whilst it would extend around 250mm higher than the existing (and neighbouring) ridge, this would barely be perceptible in the street scene given the raised position of the dwelling.

Whilst flat roof extensions are not typically encouraged, there is one pertaining presently.

The proposed extension would therefore acceptably assimilate with the host dwellings in terms of scale, form, proportions, design and materials. Thus, the proposal would not be contrary to the above policy and SPD.

Residential amenity

As noted above, the relationship between the host dwelling and the attached is not atypical

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

The position of the extents of the proposed extension relative to the adjoining dwelling are noted above. The single storey extension would project around 3.75m beyond the 45 degree line from the nearest ground floor window, it would have a flat roof and the neighbours have not objected.

An adequate area of functional rear garden would remain post development.

Given the above circumstances, the proposal would not have unacceptable additional impacts upon neighbouring amenity and would comply with the requirements of the above UDP Policy and SPD 6.

Access and parking

The proposal would result in an additional bedroom. The dwelling presently has two off-street parking spaces and there is unrestricted on street parking available on Melton Drive.

Other matters

Perceived impact on property values is not a material consideration in the assessment and determination of a planning application. It would not be reasonable or sustainable to object to a domestic extension on the basis of perceived impacts on amenity from construction activity.

Conclusion

The proposed extension would not have any unacceptable impacts upon visual or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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
Location & Site Plans (Dwg No. 003)
Proposed Plans and Elevations (Dwg No. 002)
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.
- 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.

<u>Case Officer</u> DSC	<u>Date</u> 20/11/2023	<u>Sign off Officer</u> HL 20/11/23	<u>Date</u>
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