

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 23/08/2022

Ref:68135/FUL

Registration: 12/05/2022

LDfC: 03/06/2022

Expiry Date: 07/07/2022

Site Visit: 19/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 3

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extensions at front/rear/side; First floor extension at side/rear.

Location: 16 Hornsea Close, Bury, BL8 2UA

Description

The application relates to a two-storey detached house within a corner site with a relatively large curtilage on a residential cul-de-sac of surrounded by detached properties on this side of the street with bungalows opposite. Surrounding properties are typically set back a good distance from the highway, while many have an existing extension at the front and gable roofs. The property has an existing flat roofed porch canopy plus side carport attached to the neighbours property, albeit used for storage at the time of the site visit. There are shared boundaries with No.14 and No.1 Simonbury Close only. The unattached neighbour at No.1 Simonbury Close has a single storey extension at the side (north-west side) and the neighbours on the other sides are set across the pedestrian footpath/ over the road. The rear boundary (shared with No.1 Simonbury Close) has a moderate amount of small trees and shrubbery. A tall hedge approx. 2m high exists along all other boundaries. Vehicular and pedestrian access is via Hornsea Close with no direct access via Simonbury Close.

Planning permission is sought for part two-storey/ part single storey extensions. These would include:

- a first floor extension to the north-east of the main house projecting 2.5m from the original building line along the full length of that elevation with a hipped roof,
- a single-storey front porch 3.15m wide, projecting 1.2m with monopitch roof (to replace the existing flat roofed canopy),
- a single-storey side extension set back 0.5m from the front building line and set back 1m from the rear building line (to match No.14) with monopitch roof to accommodate a downstairs toilet and study room (to replace the existing carport), and
- a single-storey rear extension 5.95m wide that would project 3m from the original rear building line accommodating a new dining room with a partly monopitch/ partly flat roof including skylight.

Materials would match existing. On the side elevation (facing Simonbury Close) the three small lounge windows would be replaced with three large windows, while there would be a new side window to the first-floor bedroom.

There would be a separation of 5.77m to the SE rear boundary (shared with neighbours to the rear) and 11.45m to the NE side boundary (public highway), which has a large hedge although there is no boundary treatment proposed.

It should be noted that since the submission of this application, the applicant has submitted amendments including removing the NE side balcony, proposing a new ground floor room on the SW side with a monopitch roof, reducing the size of the porch and reducing the projection of the rear extension to 3m. Improvements have been applied including removing

the proposed balcony, improved window fenestration, and reducing the building projection. Neighbours have been notified of the relevant changes.

Relevant Planning History

45783 - Outline application for two storey extension at rear & first floor extension at side (resubmission) - Withdrawn 2006

45521 - Outline application - first floor side; two storey rear extension - Withdrawn 2005

Publicity

Immediate neighbours notified by letter dated 12/05/2022 and 13/05/2022 sent to 8 (eight) neighbours. New neighbour letters were sent on 12/07/2022. Objections were received from three addresses (counting separate objections from one address once only).

Support -

- With reference to side extension facing Simonbury close I have no problem to window changes at ground floor level.

Objections -

Concerns are summarised below, including comments submitted by an agent (LRJ Planning) on behalf of a neighbour:

Residential Amenity

- Overlooking
- Loss of privacy
- Loss of outlook, daylight, as well as overshadowing
- Trajectory of the sun
- Cause extensive overshadowing
- Affects the private garden area and habitable room windows
- Loss of Daylight/Outlook/ Daylight and Sunlight Assessment
- Vertical Sky Component (VSC)
- Harm health and wellbeing
- Harm to the living conditions
- Infringe on the occupants of the neighboring dwellings right to a private family life
- Article 8 of the Human Rights Act 1998/ respect for private/ family life

Character and Appearance

- Visually Oppressive Development
- Inappropriate development
- No separation distance with neighbour
- Increased mass/ intensification/ substantial development
- Size, scale and mass spanning laterally and vertically
- Significantly increase the overall floor space and volume of the original dwelling
- Overbearing and overdominant/ extremely prominent in the street scene
- Extensive glazing
- Fails to respect the simple form, design and character
- Unsightly extension on the boundary
- Existing allows a sense of spaciousness within the streetscape
- Development does not appear as a subservient
- Overwhelms and unbalances the property
- Increase in height and bulk
- Unacceptable terracing effect
- Use of a hipped roof and first floor balcony visually jars with the design of the existing roof and the simplicity of the surrounding form of architecture
- Fails to respect the character, local vernacular and nature of the surrounding form of development

DELEGATED REPORT

- At odds with the uniformity of the immediately adjacent dwellings
- Gabled roof will disrupt the visually symmetry of the street scape
- Out of place in its surroundings
- Harmful to the street scene
- Object to the window size
- Increased the level of works proposed
- Incongruous and contrived additions

Highway and Pedestrian Safety

- Movement of vehicles/ Turning area on street
- Increase in traffic/ free flow of traffic/ intensification of movements
- Impact on highway and pedestrian safety
- Parking/ Applicant's vehicles
- Parking overspilling on to the highway and exacerbate an already dangerous situation to the detriment and safety of the free flow of traffic

Environment

- Noise and disturbance
- Air quality
- No bat scoping survey or ecological assessment has been provided
- Fails to provide sufficient detail about the impact on protected species
- Does not comprise sustainable development

Other Issues

- Contrary to local and national planning policy
- Adjacent to neighbours property
- Additional built form along the boundary
- Site plan is ambiguous
- Ownership Certificate
- Encroachment/ foundations/ guttering
- Damp
- The amended plans are a retrograde step.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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.

Design, Scale, and 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.

In terms of scale, the proposed part single/ part two storey extensions would be generally in-keeping with the existing house and character of the surrounding area and streetscene. The proposed extensions would be largely subservient to the main house and the proposed increase in floorspace (69sqm) is considered to be acceptable in relation to the main house (currently 124sqm). The roof of the proposed extension would be no higher than the existing roof and the scale/mass of the proposed extensions are considered to be proportionate in relation to the main house. Therefore, a streetscene assessment is not required. Similarly, the proposed extensions would increase the number of bedrooms from

3 to 4 which is considered to be a reasonable increase in scale.

In terms of design, and appearance the proposed part single/ part two storey extensions would be generally in-keeping with the existing house and character of the surrounding area and streetscene. In terms of architectural merits, the proposed design would be of a simple form, broadly typical within the uniformity of this suburban street and the proposed extension would be reasonably typical in scale and design within the context of a fairly large spacious side garden. In terms of the built environment the proposed development is not in a high profile location, adjacent to a public open space, or adjacent to a high footfall city gateway route, and therefore the proposed design is considered to be acceptable in this location.

Situated at the front, and side, the proposed two storey extension, front porch extension, and side extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Additionally, the two-storey section would be 11.45m to the NE side boundary which is considered to be acceptable.

Situated at the rear, the proposed dining room extension and side extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property.

Materials would match existing. The existing tree and shrub planting along the front, side, and rear boundaries would further reduce the visual impact on neighbouring residents.

SPD6 highlights the importance of good design and avoiding a terracing effect, however the policy allows exceptions for properties on a corner site such as this site, and therefore a setback is not required.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential Amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed single storey rear extension would not project out from the original building line in excess of 3m, beyond which the 45-degree rule would apply. There would be a separation of 5.27m to the SE rear boundary (shared with neighbours to the rear).
- The previously proposed balcony on the NE elevation (facing Simonbury Close) has been removed and replaced with a bedroom window.
- New habitable side windows are proposed along the NE elevation (facing Simonbury Close) at both ground floor and first floor. Overlooking of neighbours is minimized by the fact there would be a separation 11.45m to the NE side boundary (public highway), and a separation of 25m to the habitable windows of neighbours on the opposite side of Simonbury Close.
- Overlooking of the neighbour at No.14 is neighbour is minimized by the fact there are no side windows facing this neighbour, the rear extension projects up to 3m only (as allowed under current permitted development rules), and the side extension is set back 1m from the original building line to match No.14.
- The first-floor bathroom window on the rear elevation is a non-habitable room window and therefore cannot be afforded significant weight in any assessment. This would

be conditioned to require obscure glazing.

- New glazing would be provided only on the NW, NE, and SE elevations overlooking the applicant's own driveway/gardens, and not considered to be excessive.
- In terms of the general prominence and impact on daylight the proposed extensions are all single story including the sections alongside the shared boundary with No.14, except for the two-storey section which is to the NE of the main house and not immediately adjacent to any shared boundaries. The proposed extensions would have little or no impact on the neighbours gardens and would only affect part of the applicants own garden although this is considered to be acceptable given the relatively large garden size. As such any overshadowing would not likely occur. In this respect the size and scale of the proposed extensions would not have such a serious impact on the outlook from No.14 to sustain a refusal. The scale of the scheme would not require a sunlight assessment to be submitted.
- Given the location, size, and scale of the proposed development it is considered that there would be no substantial impact on health and wellbeing or the living conditions of occupants or neighbours.
- Following construction of the proposed extensions there would remain an acceptable amount of external private amenity space.
- This application is for a householder extension and any issues regarding noise or disturbance are considered to be minor and would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Relationship to neighbours dwelling

The nearest neighbouring dwelling is at No.14 and the two properties are currently connected via a carport with flat roof. A separation distance is not normally required unless there are issues with habitable windows directly overlooking the boundary or encroachment. The current proposal would involve a new wall built alongside the neighbours dwellinghouse only (and shared boundary) with a monopitch roof above, and it is considered that there would be no encroachment, overlooking, overshadowing, overbearing, or loss of privacy as discussed above. In this regard the proposed development is therefore considered to be acceptable.

The applicant has provided Certificate A together with a Land Registry legal site plan boundary. The boundary is indicated on the drawings. The development is shown to be entirely within the boundaries of the plot. As applications must be accepted on their face value, there is no reason why the application is either invalid nor cannot be determined.

Should it subsequently come to light that the boundaries are incorrect or that the development is to encroach, this would be a matter for the respective parties to resolve principally. Should a revised scheme be required to respond to this issue, then one can be submitted. Notwithstanding the above, there is likely to be a need for a party wall agreement between the respective parties, which is outside of the consideration of this application.

Highways

No changes proposed other than the loss of the carport which was being used for storage at the time of the site visit. The proposal would not affect the existing parking arrangements above and beyond the current situation. It was not considered necessary to consult the Highways team or request traffic plans, given that there are no proposed changes to site access or parking provision (other than the loss of the carport) and hence no significant

change in highway traffic/ pedestrian safety. Additionally, there is sufficient space for turning of vehicles within this cul-de-sac, and the total number of bedrooms proposed (4) does not require any increase in the provision of parking spaces. Similarly, there would be no substantial impact on pollution/ air quality.

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. Existing on-site parking provides 2 car spaces (including carport), and there is additional parking available on street, although this is a cul-de-sac with a turning area. Given the situation and the fact there are no changes to parking layout other than loss of the carport, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Biodiversity

There is a legal requirement for the protection of endangered species such as bats, and owls, where there is evidence or suspected cases, typically in the countryside or vacant buildings or where there are wildlife corridors. However, this proposal involves an existing dwelling that is currently in use, and the council's Protected Species Sites records have been checked with no evidence of bat activity in the vicinity. Therefore, further studies are not considered to be required. Notwithstanding, it would be a criminal offence to deliberately harm or disturb a roost where it is discovered.

The proposals show the extension to the roof and not it's entire replacement. As such an informative can be placed upon any decision to approve bringing to the attention the provisions of th Wildlife and Countryside Act and protected species.

Sustainable Development

The location of the site is within the existing urban area, well-integrated within the existing urban fabric, with public transport available nearby. It would provide an enlarged family home in the local area for an existing dwelling without the necessity of complete rebuilding and is therefore considered to make a positive contribution to sustainable development.

The council strongly encourages sustainable development solutions such as solar panels or air source heat pumps and there is a requirement for an EV charging point for new build applications. However, as this application is for a small-scale householder extension, further solutions are not an adopted policy requirement.

Other Issues

Issues involving construction, construction of foundations, maintenance, damp are not a standard material planning consideration for householder applications.

The Vertical Sky Component (VSC) set out in the objection talks about the way development can impact upon windows. The agent says that the Council has no cogent evidence to substantiate no impact. In the converse, the agent does not say how the proposals will impact either ion consideration of this. What is without question is that given the orientation of #14 compared to the application site, the extensions would not intervenethe sunpath to this property to any discernable degree.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development which would provide an enlarged family home and be an improvement by replacing flat roofed sections with monopitch roofed sections of higher visual quality while achieving an acceptable design within the wider streetscene. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/1 - Visual Amenity, and EN1/2 - Townscape and Built Design, UDP Policy H2/3 and associated guidance in SPD6.

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 Drawing 03C - Proposed Elevations (19/07/2022), Drawing 04E - Proposed Ground floor Plan (02/08/2022), Drawing 05A - Proposed First-floor Plan (24/06/2022), Drawing 06E - Proposed Elevations (04/08/2022), Drawing 07F - Proposed Elevations (02/08/2022), Drawing 08C - Proposed Site Layout Plan (05/08/2022), Drawing 12A - Roof plan Existing and Proposed (02/08/2022) 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 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 for the ground floor toilet and first floor bathrooms shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	23/8/22	DM	23/8/22