

DELEGATED REPORT

Report by Amanda

Date of report: 11/01/2023

Ref:68938/FUL

Uhunmwagho

Registration: 08/11/2022

LDfC: 01/12/2022

Expiry Date: 09/01/2023

Site Visit: 06/12/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side /rear; first floor extension at rear and new first floor window and Juliet balcony at rear

Location: 7 Braemar Drive, Bury, BL9 7PF

Description

The application relates to a two storey detached property with gardens to the front and rear. At the rear there is a good sized garden with fences to all boundaries as well as planting. Trees on the opposite side of the rear boundary at subject to a tree protection order.

There is an existing flat roof conservatory on the rear of the property, projecting around 5m from the existing rear elevation. This is to be replaced with a flat roof single storey extension projecting 6m from the original rear elevation and measuring 4.84m wide. It would have a roof lantern to the centre of the flat roof and patio doors to the south east side elevation.

The applicant also proposes to build a first floor rear extension which would extend an existing bedroom. At first floor level the extension would project 2m from the existing rear elevation and it would measure 7.29m wide. The roof would be pitched.

A Juliet balcony window would be installed to the bedroom along with a new en-suite window and an existing bathroom window would be replaced with a smaller window.

Relevant Planning History

43493 - First floor and ground floor rear extension and conservatory at rear - Approve with Conditions 01/12/2004

Publicity

Two neighbours were notified on 10/11/2022 - No comments or objections received.

To the rear of the site there is a complex of apartments as well as office blocks. Neighbours to this side were not notified of the proposal as they do not appear to share a boundary with the site and there is a large area of land covered with trees in between the site measuring around 20m wide from the rear site boundary by around 97m long.

Statutory/Non-Statutory Consultations

None

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. 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The proposed development would be built wholly on the rear of the existing property and as such would not be openly visible in the public realm to the front. The design of the proposal and materials would be considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- Properties to the rear of the site are more than 20m away from the site and there is a dense border of trees in between. With this in mind there would be no significant detrimental effect on residential amenity at properties to the rear of the site.
- The ground floor patio doors would be around 14m away from the shared boundary with no.5 Braemar Drive next door. This would be more than sufficient in terms of aspect standard distances as set out in SPD 6.
- There would be no windows in the side elevation adjacent to the shared boundary with no.9 Braemar Drive next door and given the application property is built forward of this property and also at an angle the proposed single and first floor extensions would be adjacent to the side of the neighbouring property and there are no habitable room windows in the side elevation of no.9. With that in mind it is considered there would not be any significant detrimental impact on residential amenity at that property.
- As the development would be to the rear of the property it would not have any impact on existing parking arrangement to the front of the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Protected trees -

Directly to the rear of the site is a large area of woodland covered by TPO numbers 76 and 70. All of the protected trees lie outside of the site boundary but their canopies do overhang part of the site. At its closest point the single storey rear extension would appear to be approximately 3.5m from where the trees are located. With this in mind an informative would be added to the decision advising that the developer needs to be aware of the possibility of tree roots in the vicinity of where they would be digging for new foundations.

With regards to the overhanging canopies the trees appear to overhang the rear end of the site only. The closest part of the development would be the single storey extension, which would be set well down from any overhanging branches and the proposed first floor extension would also be a sufficient distance away from the canopies. With this in mind the proposed development would not have any significantly detrimental effect on the protected trees to the rear of the site.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

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 numbered 22.2906.1, 22.2906.2, 22.2906.SC1.1A and 22.2906.SC1.2A received on 03/10/2022 and revised drawing numbered 22.2906.3A received on 10/11/2022 as modified by the email from James Campbell Associates Ltd dated 10/11/2022. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 11/01/2023			