

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 06/07/2022

Ref:68356/FUL

Registration: 20/04/2022

LDfC: 31/05/2022

Expiry Date: 15/06/2022

Site Visit: 19/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

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 and rear, new windows on side elevation, covered carport area, raised patio at rear.

Location: 11 Brookfield Road, Bury, BL9 5LA

Description

The application relates to a true bungalow with gable roofs at front and sides on a suburban residential cul-de-sac with a wide variety of house types including bungalows and detached properties. The bungalow is on a lower level than the public highway, and there is a relatively long driveway plus existing side garage. Both neighbours are bungalows and have a broadly similar but slightly staggered building line although the neighbour at No.13 has a single storey rear extension plus patio adjacent to the applicants boundary. The rear garden measures 32m in depth and the rear boundary has extensive trees and shrubbery. There is a south facing rear garden with a downward slope and no residential dwellings directly to the rear.

Planning permission is sought for single-storey extensions at front and rear. There would be some internal reconfiguration of the layout resulting in the kitchen being moved to the rear and a new bedroom at the front.

The front extension (accommodating a new bedroom) would have a flat roof and be 5.63m wide, while projecting forwards by 2.10m to match the building line of the existing gable section. There would also be a side carport in front of the existing garage. The rear extension would project out 5.73m with a flat roof, accommodating a new main lounge, and with a sub-floor area below for storage of garden equipment.

Materials would match existing plus white rendering, grey upvc windows, and cedar/natural horizontal cladding. There would be new side windows proposed on the west elevation one of which would be a bedroom window. There would be a separation of 26m to the rear boundary, although there is no boundary treatment proposed.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 20/05/2022 sent to 7 (seven) neighbours. One comment was received.

Comments are summarised below:

- Direct vision in the neighbours lounge
- Overlooking the neighbours patio
- Possible overlooking from steps down from existing property level to garden level
- Style of external wall brick or rendered

Relevant comments raised by 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
EN1/1	Visual Amenity
OL5/2	Development in River Valleys

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.

Development in River Valleys

Policy OL5/2 states that Within the River Valleys, new buildings will not be permitted, exceptions considered acceptable where the area does not form part of the Green Belt includes development that represents limited infilling to an established valley settlement area. As such it is considered that the proposed extensions represent limited infilling and is therefore acceptable with regard to UDP Policy OL5/2.

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, design, and appearance the proposed extensions would be generally in-keeping with the existing house.

Situated at the front, the proposed extension would be readily visible from the public arena, although its scale is considered to be appropriate for this property and streetscene.

The front extension would be constructed with a flat roof which would normally be discouraged under guidance in SPD6. However, the proposed front extension is considered to be not particularly prominent as it is on a lower level than the public highway, and would not project forwards of the existing front gable section, alongside which it would have a low profile that is also set back from the relatively deep front garden. Additionally, every house is different within this street which is a cul-de-sac with relatively low footfall and therefore a design incorporating a flat roof is considered to be acceptable within the context of this location.

Situated at the rear, the proposed single storey extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property. Similarly, the proposed sub-floor area below (for storage of garden equipment), is not visible from the public arena or any neighbours dwellings.

Materials would match existing plus white rendering, grey upvc windows, and cedar/natural horizontal cladding which is considered to be acceptable for this type of property and location. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

In this respect the proposed extension is acceptable and 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.

- In terms of overlooking and privacy to the rear, the 26m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.
- The proposed extension would project past the rear elevation and the 45-degree rule has been checked against the neighbours property at No.13 and found to be acceptable. As such, the proposed extension would not have an adverse impact upon the amenity of the neighbour.
- There would be new side windows proposed on the west elevation one of which would be a bedroom window which is only 1m front the shared boundary. This window would be conditioned to require obscure glazing 1.7m above floor level. Other side windows are for non-habitable rooms.
- The extension to the rear would not have any side windows and therefore has no direct overlooking of the neighbours patio. Additionally, the applicant proposes to maintain the existing gap of 1m down the side of the rear extension, which is considered to be acceptable for access and maintenance purposes.
- In terms of the general prominence and impact on daylight the proposed single storey front extension is to the north-east of the main house extension but set 4m off the shared side boundary and is to the west of No.9. The proposed carport would be adjacent to the shared boundary with No.9 but within the existing building line of both properties. The proposed front extension would only affect the applicant's own front garden, and any overshadowing would not be seriously excessive above and beyond the existing situation.
- The proposed single storey rear extension is to the south-west of the main house but set 1m off the shared side boundary to the east of No.13. The proposed extension would have some impact on part of the rear garden at No.13 in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation and meets the 45-degree rule. In this respect the proposed extension would not have such a serious impact on the outlook from No.13 to warrant refusal.

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

Highways

No changes proposed, and the proposal would have no change in the number of bedrooms. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

In consideration of the above, it is considered that the siting, scale, and design of the development is acceptable. As such, the proposed development is therefore considered to be acceptable and complies with 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 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 Drawing 6, Drawing 7, Drawing 8, and Drawing 11 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 bedroom windows on the west elevation shall be fitted with obscured glazing up to 1.7m above floor level 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	06/07/2022		