

DELEGATED REPORT

Report by Amanda

Date of report: 05/01/2022

Ref:67628/FUL

Uhunmwagho

Registration: 20/10/2021

LDfC: 11/11/2021

Expiry Date: 15/12/2021

Site Visit: 02/12/2021

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: A - Rear Dormer Extension.

B -Two storey side extension.

Location: 17 Bent Fold Drive, Bury, BL9 8NG

Description

The application property is a two storey detached house with a single storey extension to the side. The front area of the site is completely paved and to the rear of the property there is a smaller fenced garden area which is fully decked.

The proposal is to replace the existing single storey side extension with a two storey extension and add a rear dormer to the existing part of the dwelling. For the purpose of this application the proposal has been split into two. Proposal A relates to the rear dormer and Proposal B relates to the two storey side extension.

Proposal A is to build a flat roof dormer on the rear of the existing dwelling. The plans show that it would be built directly up from the rear wall but would be set back from the end of the roof slope. It would also be set in by 800mm from each side of the original roof space. The roof would be flat and would be set down from the existing ridge. There is already a bedroom and bathroom in the roof space. The dormer would provide a larger bedroom and en-suite bathroom.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 21/10/2021 - Three objections received from neighbours at 18 and 20 Laburnum Drive and 15 Bent Fold Drive. Their reasons of objections are listed below.

18 Laburnum Drive -

My prime concern is the possible disruption of an underground culvert which we have had recent flooding problems with (please consult relevant Bury Council Dept for details). Any major excavation in that area may damage the culvert as we couldn't determine the exact position of the pipe during investigation.

The extension itself is imposing and overlooks our property, if the first floor area was made smaller and the elevation 'stepped back' this would be acceptable and would also release more light to their next door neighbour who have also objected.

The plans submitted do not mention Upvc cladding colour, anthracite grey would be more acceptable than white.

20 Laburnum Drive -

Objection to the proposed dormer which would have a clear line of sight to their rear garden

and first floor windows on the rear of their property. They state that this would cause an unacceptable reduction in privacy levels to their property. They question why the dormer cannot be built on the front of the building rather than the rear and point out that at the minute they have a lot of trees along the rear boundary but if these are ever removed users of the dormer bedroom would have a clear view of their ground floor windows too. They have also stated that they feel the value of their property would be detrimentally affected by the dormer.

15 Bent Fold Drive -

We wish to object to the application, the new gable wall will come right up to our boundary and will be only a few feet from our living room and conservatory. This will restrict daylight to these rooms in the late afternoon and evening., this will necessitate us having to use the lights earlier than necessary. Thank you for considering this.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

With regards to Proposal A the dormer would be built wholly on roof space which is part of the original dwelling and the materials would be acceptable on the rear of this type of property. With this in mind it is likely that the proposed dormer could be built under Permitted Development rules and as such there would be no reason to refuse this part of the proposed development. The design of the proposal is considered acceptable in this location.

Given the above proposal A 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.

Proposal B relates to the two storey side extension which would be built flush to the front and rear elevations of the existing dwelling. As the property is a detached property which is significantly set back from the front elevation of no.15 next door terracing would not be a concern on this site and as such there would be no reason to request a first floor set back to the front elevation.

Given the angle of the shared boundary to the east, the front of the extension would not be as wide at the front as it would be at the rear. Only the front elevation would be visible in the streetscape on Bent Fold Drive. Whilst the two storey wall would be very prominent and intrusive when viewed from the next door neighbour's property, it would not be readily visible from the public realm. Therefore it is not considered a strong enough reason to refuse this element on the grounds of visual amenity.

Given the above proposal B 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 -

With regards to Proposal A, despite the short distance to the rear site boundary and neighbour's objections to the rear dormer it is likely that the proposed dormer could be built under Permitted Development rules and as such there would be no reason to refuse this part of the proposal.

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 residential amenity.

Proposal B refers to the two storey side extension. Given the position of the two storey side extension there would be no detrimental impact on residential amenity at no.19 to the west of the site. Also, as the extension would not project forward of the existing front elevation there would be no impact on existing parking arrangements within the site which can currently accommodate at least 3 vehicles.

The plans show that the extension would be built flush to the front and rear elevations of the existing dwelling and the side elevation would be 200mm from the shared boundary with no.15 next door. There would be no habitable room windows in the side elevation and as such overlooking would not be a concern with regards to no.15. However, the large expanse of brick wall so close to the shared boundary would loom over the rear garden of no.15 and given the site is due west of this property the extension could have some detrimental impact on light to the rear of no.15 in the latter half of the day. It is considered that the two storey extension would have a significant detrimental impact on residential amenity to widows on the rear elevation of no.15 next door as well as the rear garden.

The rear elevation of the extension would be around 6m from the rear site boundary and there would be a new bedroom window installed to the rear elevation. SPD 6 states there should be at least 7m from a first floor habitable room window to a shared boundary. With this in mind the two storey side extension would not be considered acceptable in terms of its sub-standard distance to the boundary at the rear.

With the above in mind Proposal B does not conform 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 residential amenity.

Response to neighbour objections/comments -

The concerns of the neighbours have been addressed in the report above.

One neighbour has a concern about flooding due to the position of an underground culvert in the area. Although this would be of concern it would not be a Planning consideration in terms of assessing the current proposal. It would be addressed as part of the Building Control assessment process.

Any possible impact of property valuation is a genuine concern but it would not be a Planning consideration and would not have any bearing on the decision.

In respect of Proposal A -

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.

In respect of Proposal B -

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which

could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Split Decision

Conditions and Reasons:

- 1 In respect of Proposal B, the proposed two storey side extension would be seriously detrimental to the amenities of the adjacent property by reason of its height, size and position directly adjacent to the shared boundary. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 1 In respect of Proposal A, 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 In respect of Proposal A, this decision relates to drawing numbered 954/PL/01 Revision A 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 2 In respect of Proposal B, the proposed two storey side extension would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of numbers 18 and 20 Laburnum Drive by reason of the sub-standard distances between habitable windows on the proposed extension and existing habitable room windows on those properties. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 In respect of Proposal A, 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 - 05/01/2022		DM	05/01/2022