

DELEGATED REPORT

Report by Mo Warsame	Date of report: 18/03/2024	Ref: 70549/FUL
Registration: 26/02/2024	LDfC: 21/03/2024	Expiry Date: 22/04/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension and external alterations

Location: 2 Albany Drive, Bury, BL9 9RD

Description

The property is a detached bungalow situated on Albany Drive, a residential street with similar style properties. The dwelling has a large sized garden to the rear enclosed by wooden panel fencing. There is planting and trees beyond the rear fencing where the site backs on to a cemetery. The adjacent neighbour to the north is No.4 Albany Drive and to the opposite side No.27, No.29 and No.31 St Peter's Road shares boundaries with the site.

Planning permission is sought for a single storey extension at the rear with internal and external alterations. The development would accommodate an open plan kitchen/lounge and it would be 5m deep and 8.7m across. The extension would have mansard roof and would be constructed using some matching materials.

Relevant Planning History

70328 - Single storey rear extension and external alterations - Refused 08/02/2024

Publicity

Neighbour letters sent. One objection received.

Comments

The concerns relate to the proposed single storey rear extension, the scale of the proposed roof, and its proximity to the shared side boundary. There is also a concern of whether the development would lead to loss of daylight/sunlight and cause other implications such as over shadowing due its position.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

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.

The proposed extension would be a simple single storey extension that would be located at the rear, and such would not be visible in the street scene. The extension would now have a modest mansard structure roof. This would be more appropriate design than the initially proposed roof under the previous application (70328) which appeared overly large and bulky when viewed in context of this bungalow due to its height.

It is therefore considered that the new proposed extension would not lead to an insufficient amount of usable amenity space, and would therefore not be detrimental to the character of

the street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

The proposed extension would have no proposed side windows facing the adjacent neighbour (No.4) and there would be sufficient distance to the rear boundary. Additionally, the extension would not encroach the 45 degree rule.

The neighbouring property has a conservatory extension at the rear. The proposed extension would not extend beyond the rear elevation of No. 4 Albany Drive by more than 3 metres, which would comply with the guidance in SPD6. There would be sufficient distance to the rear boundary.

There would be no side windows facing No. 4 Albany Drive in the proposed extension, but there is a window in the side elevation of No. 4, which the objection states relate to a living room window. There would be 5.6 metres between this habitable room window and the existing bungalow. The 45-degree line when drawn from the living room window to No. 4 would hit the proposed extension at 3 metre point. While the proposed extension would project 5 metres, this would, on balance, be acceptable as less weight is afforded to habitable room windows located on the side elevation.

The proposed roof under the last application (70328) by reason of its height would result in a negative impact on residential amenity and drastically reduce the level of sunlight. However, the new modest mansard roof on this proposal would have no significant adverse impact on the residential amenity and as such, would be acceptable.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Response to Objections

The report has addressed the concerns of the objecting parties. The concerning comments are significantly mitigated given the revised design of the current application and would have no significantly detrimental impact on the amenities of the neighbouring properties. For clarification, the proposed roof under this application would be a modest mansard structure that would have no adverse impact on the residential amenity and as such, would be acceptable.

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 the drawings received on 26/02/2024 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.

<u>Case Officer</u> MW 18/3/24	<u>Date</u>	<u>Sign off Officer</u> DM 18/3/24	<u>Date</u>
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