

DELEGATED REPORT

Report by Amanda

Date of report: 13/03/2024

Ref:70190/FUL

Uhunmwagho

Registration: 23/10/2023

LDfC: 20/11/2023

Expiry Date: 18/12/2023

Site Visit: 14/11/2023

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: Demolition of existing detached garage and replace with two storey detached annexe with balcony; Extend existing driveway and dropped kerb

Location: 102 Redvales Road, Bury, BL9 9PU

Description

The application relates to a two storey, previously extended semi-detached house on Redvales Road. It is angled due to its position on the junction of Redvales Road and Pembroke Drive. There is a single storey side extension and a detached garage to the rear with driveway for two vehicles.

The proposal is to demolish the existing garage and build a detached annex in its place. The annex would be occupied by the applicant's daughter who has Downs Syndrome and requires full time care, but would also like some independence in their daily life. The annex would have a bedroom to the first floor for the applicant's daughter and there would also be a second bedroom to the ground floor for their carer.

The building would measure 6m wide x 7.1m in length and it would measure around 5.89m high with a pitched roof. There would be dormers to both sides and a Juliet balcony to the front. The walls would be finished in brick and the roof would have concrete tiles.

In addition to the annex the applicant also proposes to widen the existing driveway access and extend the existing dropped kerb from 3m to 4.5m wide. The driveway within the site would be widened and it would be constructed using permeable block paving. This would create two parking spaces on site.

Relevant Planning History

70167 - Demolition of existing detached garage and replace with two storey detached annexe with rear balcony - Withdrawn - Invalid 20/10/2023.

Publicity

6 neighbours notified on 23/10/2023 - No comments or objections received.

The same neighbours were notified of revised drawings on 13/02/2024. No comments or objections have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Conditions and informatives suggested.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

EN1/2 Townscape and Built Design

SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
PFE	Places for Everyone

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.

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.

Normally an annex would be required to be physically attached to the main dwelling by some kind of link. However, given the layout of the site it is not possible to link the building to the main dwelling in this instance. The building would be openly visible from the south and east of site, but it would be set well back from the highway in front and it would be built with materials and a design that would be considered acceptable in this location. As such the proposed annex would not have any significant detrimental effect on the character of the existing streetscene.

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 -

- There are open playing fields to the east of the site.
- Opposite the front of site is Windermere Drive and properties to the front would be more than a sufficient distance from the annex not to have any significant detrimental effect on residential amenity at those properties.
- The detached annex would be built to the east side of the main dwelling and south of no.53 Pembroke Drive next door, and its garden. The annex would be 3m wider and around 3.1m higher than the existing garage on site and the rear elevation would be 4m away from the shared boundary with no.53 Pembroke Drive next door. As the site is directly south any development to the rear of the site would potentially have some detrimental impact on residential amenity, including the path of sunlight. Originally the annex was proposed to be built very close to the shared boundary with the attached neighbour but as it was felt this would be seriously detrimental in terms of the annex's impact on next door the agent has provided revised drawings which show that the annex would be built 4m away from the shared boundary to the north. In doing this it would alleviate any concerns regards light and the general impact of a larger building adjacent to no.53 Pembroke Drive and would be considered acceptable in this instance.
- The dormer window to the west side of the annex would be obscurely glazed. As such there would be no significant detrimental impact on privacy levels between the site and no.53 Pembroke Drive next door. A condition would be added to the decision advising that this window should remain obscurely glazed in the future.
- There would be a ground floor bedroom window facing the main dwelling. As this would face the application property there would be no direct views over the garden at the attached property.
- There would be no windows in the rear elevation directly facing the shared boundary with the next door neighbour.
- The east side elevation would be built directly along the boundary with the playing fields but the agent has signed certificate A on the application form stating that all of the proposed works would be within the site only.
- A condition would be added to the decision stating that the annex should only be used as ancillary to the main dwelling, for the needs of the disabled person only.
- There would be parking for two vehicles to the front of the new building.
- The proposal to widen the driveway access and to extend the existing dropped kerb would not have any significant detrimental impact on residential amenity.
- The new driveway would be constructed using permeable block paving. As such there would be no concerns regards surface water flooding on to the highway in front.

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.

Parking -

The proposal would increase the number of bedrooms from 3 to 5 (3 in the main dwelling and 2 to the annex), and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The existing driveway access from Redvales Road would be widened and the driveway on site would be widened in order to accommodate up to 2 vehicles within the site. The area has ample on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

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 numbered P01 rev 5 received on 27/02/2024 and drawings numbered P02 Rev 7, A01 Rev 4 and A02 rev 4 received on 12/03/2024 as modified by the emails from Stonehouse & Co. Architecture Ltd dated 27/02/2024 and 12/03/2024. 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.
- 4 The revised access arrangements indicated on approved plan reference P02 Revision 5, incorporating the provision of a footway crossing extension in a position to be agreed with the Highway Authority, demarcation of the limits of the adopted highway, widened driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development and following removal of the boundary treatment, shall be implemented prior to the development and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To secure the satisfactory development of the site in terms of highway

safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury UDP Policies HT2/4 - Car Parking and New Development, H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 6 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 102 Redvales Road.
Reason. To ensure the proposed use remains ancillary to the principle use on the site pursuant to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 7 Before the first occupation of the extension hereby permitted the window on the west side dormer 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>
AU - 13/03/2024			