

DELEGATED REPORT

Report by Amanda

Date of report: 09/02/2024

Ref:70266/FUL

Uhunmwagho

Registration: 05/12/2023

LDfC: 29/12/2023

Expiry Date: 30/01/2024

Site Visit: 18/01/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey rear extension, single storey front extension, decking at rear and external alterations

Location: 35 Sunny Bower Street, Tottington, Bury, BL8 3HL

Description

The application relates to a detached property with first floor rooms in the roof space and a conservatory to the rear. There are garden areas to four sides with parking for several vehicles to the front and side of the existing dwelling as well as a detached garage to the south west of the house, as well as two outbuildings and an animal enclosure within the site. There are fences to all boundaries.

The proposal is to remove the conservatory and add a two storey rear extension, decking at the rear, a single storey front extension and external alterations. At the rear the two storey extension would project 4m from the original rear elevation and it would measure 12.3m wide. The roof would have three peaks to the rear. At ground floor level there would be a dining room window and bi-fold patio doors to a family room on the rear elevation with a bedroom and bathroom window above. There would also be a new first floor bedroom window to the south west side elevation.

The decking would project 2.42m from the rear of the extension and would measure 8.93m wide. As the garden is at a lower level to the property the decking would measure 1.1 from ground level with a 1m balustrade. There would be steps leading down to the garden on the north east side.

At the front the single storey extension would be to the existing porch. It would be extended forward so it would be flush with the front elevation of the property and internally it would be opened up into the existing hallway. Externally a canopy would be erected above the entrance.

External alterations include rendering of all elevations (existing and proposed) with an off-white coloured K-render. The outrigger to the front would have stone cladding. There would be dark grey tiles to the existing roof as well as the extension and all windows and doors on the property would be dark grey upvc.

Relevant Planning History

46088 - CONSERVATORY AT REAR - Approve with Conditions 27/04/2006

13/0184 - Felling Trees - 18/04/2013

Publicity

7 neighbours notified on 06/12/2023 - No comments or objections received.

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, 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.

As the bulk of the extension would be to the rear of the existing dwelling it would not be readily visible in the public realm.

The dwelling is set well back from the front boundary with a single track lane in front. There are a mixture of styles of property in the immediate vicinity including one which is rendered directly to the front of site. The proposal to render the entire property, including the existing dwelling and extensions would not be considered to be out of character in this area, and as all of the existing windows, doors and roof tiles would be changed to match the new windows, doors and roof tiles the appearance of the finished building would be considered acceptable in this location.

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 would be just over 10m from the front single storey extension to the front boundary and over 20m to properties to the north, with a road in between. As the front extension would be to a non-habitable room these distances would be considered to be acceptable in terms of SPD 6.
- There is an existing first floor bedroom window to the north east side elevation which would remain in situ.
- The side elevation of the two storey extension would be around 6.8m away from the shared boundary with the property known as Two Trees to the north east side. This would be the same distance as the existing side elevation on the property and there would be no windows to this side of the proposed extension.
- The proposed rooflights to the front and south west side of the property would not cause any significant harm in terms of residential amenity in the immediate area.
- On the south west side elevation there would be a new bedroom window at first floor level. As this window would be over 7m from the opposite boundary it would be considered that it would not cause any significant detrimental impact on residential amenity to properties to the south west.
- At the rear there would be a dining room window and bi-folding patio doors to the ground floor and a bedroom and bathroom to the first floor. The distance to the rear boundary would be satisfied with regards to SPD 6 for all windows on the rear elevation and there would not be any significant detrimental effect on residential amenity at properties to the rear.
- The proposed extensions would not interfere with existing parking arrangements within the site.
- The proposed decking to the rear would be around 3.5m to the rear boundary and the closest point and around 5.9m at the furthest point. There is an existing outbuilding directly adjacent to the shared boundary at no.30 Meadow Way to the rear which would screen most of the views to and from the new decked area. As such, in this instance the distance from the decking to the rear boundary would be considered to be acceptable.
- The application form also states that the existing tarmac/concrete paving is to be replaced with porous asphalt. These works could be carried out as Permitted Development as the new material would be porous.

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 4 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 site as existing has a drive area at the front and side of the dwelling for parking several vehicles and this would remain following the property being extended. 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 1 received on 20/11/2023 and drawing numbered 2A received on 26/01/2024 as modified by the email from Mr Neil Buterworth dated 26/01/2024. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 09/02/2024			