

DELEGATED REPORT

Report by Amanda

Date of report: 28/02/2022

Ref:67916/FUL

Uhunmwagho

Registration: 24/01/2022

LDfC: 24/02/2022

Expiry Date: 21/03/2022

Site Visit: 10/02/2022

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: Two storey side extension; Single storey rear extension

Location: 39 Derwent Drive, Bury, BL9 9LS

Description

The application relates to a two storey semi-detached house with a flat roof store to the side. The whole of the front of the site is brick paved for parking on site and there a short fences to wither side boundary at the front. To the rear there is a private garden with fences to all boundaries.

The proposal is to build a two storey side extension and a single storey rear extension. At the side the two storey extension would be built flush to the front and rear elevations of the existing property and the roof would be pitched. The single storey extension would project 3.22m from the rear elevation of the two storey extension and it would measure and it would measure 3.84m wide with a mono-pitched roof.

Relevant Planning History

59859 - Two storey extension at side and single storey extension at rear - Approve with Conditions 26/04/2016.

Publicity

Neighbours notified on 02/02/22 (8 properties) - 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. 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.

The extension would be built with a design and materials that would match the existing property and would remain similar to other properties in the immediate area.

The applicant proposes to build the first extension flush to the original front elevation. Normally a first floor set back to the front of a two storey side extension would be required in order to prevent terracing with the neighbouring property. However in this instance the adjacent property, which comprises of two flats, is built at an angle to the application property and so terracing would not be a concern in this instance. The design of the proposal is considered to be in keeping with the existing building.

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 -

- Properties to the front and rear would be a sufficient distance from the proposed extension not to have detrimental impact on residential amenity and there would be over 7m from the rear of the extension to the rear boundary which would be acceptable in terms of SPD 6.
- At the front there would be around 5m to the front boundary. Although SPD 6 normally requires new first floor habitable room windows to be at least 7, to a boundary the front boundary abuts the highway. Taking this in to account there would be no significant detrimental impact on residential amenity at properties across the road.
- The single storey rear extension would be just over 5m from the shared boundary with no.37 Derwent Drive, attached. As it would only be a non-habitable room window and door facing this boundary this distance would be acceptable in terms of SPD 6.
- The plans shown that all of the extension would be built within the site boundaries. There would be one ground floor window to the side elevation which the agent has shown on the plans as obscurely glazed. A condition would be added to the decision to ensure this window would be obscurely glazed in order to maintain privacy levels between the application property and the neighbours to the south.

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 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 an area at the front for parking two vehicles and this would remain following the side extension which would be built flush with the existing front elevation of the property. The area is high access in terms of public transport. 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 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 SHT 1 of 3 and SHT 2 of 3 received on 21/12/21 and parking layout received on 02/02/22 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.

DELEGATED REPORT

- 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 window to the side elevation 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 - 28/02/2022	