

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/09/2023	Ref: 69918/FUL
Registration: 07/08/2023	LDfC: 30/08/2023	Expiry Date: 02/10/2023
Site Visit: 08/09/2023	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two-storey side extension with Juliette balcony, first-floor rear extension and single storey rear extension

Location: Fairwinds House, 2 Bridgefield Drive, Bury, BL9 7PE

Description

The site is a detached brick/Tudor style/tile property with an attached double garage on a small estate of similar styled properties. The site is on a lower level than the adjacent neighbouring properties to the side (No.3) and to the rear (No.15). The premise has a sloping garden to the front, and a larger garden with patio to the rear.

Planning permission is sought for a two-storey side extension, first-floor rear extension and single storey rear extension. The two-storey side element of the development would be constructed on the location of the existing garage. The side extension would measure 10.5m in length, effectively extending the boundary of the existing garage by 3.15m and would project 0.9m beyond the principal front elevation. However, it would not extend to the side nor project beyond the principal rear elevation.

The proposed single storey rear extension would be constructed following the demolition of the existing conservatory. It would project 4m to the rear, which would translate to an extension of approximately 2.55m beyond the principal rear elevation. The extension would not project to the side. The first-floor extension to the rear would be constructed above the ground floor dining room and would project approximately 1.5m to the rear to align with the principal rear elevation.

The proposal would accommodate a family room, guest dining room and a utility along with a new storeroom on the ground floor. There would be a large additional bedroom with ensuite bathroom and a rear facing Juliette balcony along with further bedroom extension on the first floor. The two-storey elements would have pitched roof while the single storey rear extension would have a flat roof. The proposal would utilise the used of some matching materials.

Relevant Planning History

53532 - Application to extend the time limit for implementation of planning permission
48893 for outline detached dwelling - Approve with Conditions 18/02/2011
57105 - Outline application for the erection of 1 no. dwelling - Approve with Conditions
19/03/2014
61049 - Outline application for 1 no. detached three storey dwelling - Approve with
Conditions 24/02/2017

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

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 two-storey extension would not be setback from the front elevation. In fact, the proposed extension would project 0.9m beyond the principal front extension instead. SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. However, in this instance due to a staggered building line and level differences within this street, it is considered that the proposal would not lead to the uncharacteristic terracing of dwellings. Furthermore, several properties with this street have extended a similar extension without setback. Therefore, the proposed two-storey extension would be acceptable and would not have any adverse impact on the street scene.

The proposed two-storey side and first-floor rear extensions would have modest design that would be in keeping with the character of the dwelling. Furthermore, the two-storey extensions would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties.

Situated to the rear, the single storey rear extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. Overall, the proposal would be constructed with some materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore 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.

- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4m along the shared boundary would be acceptable. Additionally, there would be approximately 9m to the rear boundary which exceeds the 7m required by SPD 6.
- There would be two proposed side windows on the proposed single storey rear extension facing the adjacent neighbouring property (No. 17). However, there would be sufficient distance to the shared side boundary together with shrubs and high fencing that would screen these windows. Therefore, there would be no detrimental impact on this neighbour. Moreover, the part of the neighbour's house closest to the shared boundary would be a garage that project a blank gable.
- The first-floor rear and the two-storey side extensions would not project beyond the original rear elevation. Additionally, there would be a sufficient distance to the rear boundary.
- The proposed front windows on the two-storey side extension would be over 20m

away from the properties in front and separated by a highway. Therefore, this would be considered acceptable.

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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 PL01 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	19/08/2023		