

DELEGATED REPORT

Report by Tom Beirne	Date of report: 13/01/2022	Ref: 67699/FUL
Registration: 02/12/2021	LDFC: 23/12/2021	Expiry Date: 27/01/2022
Site Visit: 13/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition no.2 (approved plans) of planning permission 66507 (two storey side extension and single storey/two storey rear extension) to amend the gable end roof extension and flat roofs to the rear

Location: 13 Talbot Grove, Bury, BL9 6PH

Description

The proposal relates to a red brick semi-detached dwelling flanked by dwellings of similar scale and style. Chesham Primary School opposed the site. It has drive that accommodates a single vehicle.

The proposal is for a two storey side extension and part single/two storey extension to the rear. Construction has started and certain elements of the build appear not to accord with the previously approved plans.

This application seeks permission to make revision to the previously approved scheme - namely the creation of a gable end rather than a hip roof and changing the rear extensions from pitched/hipped roofs to flat roofs.

Relevant Planning History

65750 - Prior approval for proposed single storey rear extension - Prior Approval Required & Granted - Ext 25/08/2020

66507 - Two storey side extension; Single storey/two storey rear extension - Approved 27/04/2021

Publicity

Immediate neighbours notified by letter dated 02/12/2022. Two objections from 11 Talbot Grove and 26 Barlow Close. Summarised below:

The documents provided are insufficient and therefore I'm unable to make an informed decision, one of the two documents is missing.

My home lies adjacent to 13 Talbot Grove and as a notable property I've followed this build. All permissions that have previously been granted have not been adhered to.

With reference to this latest application I object for the following reason;

On the second floor of the build, a window space has been made. It is clear, due to the size that the intention is to fit patio doors which will allow access to the now applied for flat roof.

This will seriously impact the privacy of my garden and rear living room. I will be overlooked and imposed on constantly. I will be unable to access any area of my garden without feeling uncomfortable, I believe this planning application will affect our privacy greatly.

I'm unable to add evidential photos, which contravene the previous plans.

We reside at no 11 Talbot Grove and would like it noted that we object to the amendment of the gable end roof extension and flat roofs to the rear of 13 Talbot Grove, Bury, BL9 6PH Please can you also provide us with a copy of IPS/R/13/BL96PH sheet 1 of 2 dated 01/10/2021 as that seems to be missing from the information provided.

Enclosed are pictures of the build & window that has been created in the top extension which will allow a balcony window to be installed then having access to the flat roof, also other pictures of the state of the build the closeness to our home.

If this flat roof is approved we will have no privacy either in our garden/ patio area/kitchen/dining room and most of all, our bedroom as all those areas will be looked on too.

We have over the past year been unable to have access to our patio area due to noise, dust and damage, we also have our Patio collapsing as the dig out for the original extension came over on to our boundary and was not filled in.

We are concerned with regards to the flat roof extension as past experience shows that plans for 66507 & 65750 have not been adhered too.

This extension has taken its toll on us, we have damp on the dining room wall, our bedroom is freezing as the outer brick has been removed along with the upper windows, which again adjoins next doors property.

We have no problem with the roof on the top elevation being flat as this will not be an accessible point.

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. 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 complements the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene. SPD 6 advises that two storey side extensions should be designed so as to prevent 'terracing' with neighbouring dwellings.

The proposed change from the main hipped roof to gable end, would not be so out of keeping with the house or incongruous within the existing streetscape. as to warrant refusal

The change in the height and design of the flat roof rear extensions is more concerning both in terms of visual and residential amenity. Although the single storey rear extension would not be particularly visible from surrounding areas, the two storey flat roof element would be partially viewed Barlow Close and considerably more prominent when viewed from surrounding neighbours and incongruous and out of keeping with the existing dwelling. With regard to the two storey flat roof element, the proposal would conflict with Policy H2/3 and SPD.

Residential amenity - The side wall of the single storey extension along the shared side boundary would be 3.5m high and extend out 6m at the same height. Although situated to the north, this would present an extremely dominant and intrusive element along the boundary and immediately adjacent to the lounge window on the rear of No.11 Talbot Grove.

SPD 6 advises that two storey rear extensions should not encroach beyond a 45° angle from 1m point along the common boundary with adjoining dwellings and that consideration would be given to the impact on outside amenity space. It advises that there should be a minimum distance of 7m between first floor habitable room windows of an extension and a directly facing boundary.

The two storey extension, although with a flat roof, has not changed significantly in terms of height and is in the same position as previously approved. The proposed two storey rear extension would not encroach across a 45° angle from the boundary with the adjoining dwelling and therefore is acceptable in relation to No.11. The neighbouring dwelling on the other side (No.9) has a single storey rear extension that projects significantly further than the 1m point with a kitchen window closest to the shared side boundary and as such the amenity of the neighbour on this side is not seriously impacted.

The subject property has a deep rear garden and more than 7m would be retained between the rear extension and the rear boundary (the opposing dwelling presents a gable wall to this boundary).

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The proposal would have a serious and unacceptable impact upon the amenity of the attached neighbour (No.11) and would conflict with UDP Policy H2/3 and SPD 6.

Objections - Where appropriate, the concerns of the neighbour are reflected in the reasons for refusal. Although the opening at first floor onto what would be the flat roof indicated a large 'balcony door' opening this is not what is proposed in the plans submitted. If the application were to be approved, a condition would be attached to ensure that there would be no balcony and any access formed.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed single storey rear extension would be seriously detrimental to the amenities of the adjacent property (No.11 Talbot Grove) by reason of its height, size and position along the shared side boundary. The proposed development therefore conflicts with the following UDP Policy H2/3 Extensions and Alterations and associated guidance within SPD 6.
- 2 The design of the proposed two storey rear extension is neither appropriate to, nor sympathetic with the existing dwelling and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with UDP Policy H2/3 Extensions and Alterations and associated guidance within SPD 6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	13/01/2022		