

DELEGATED REPORT**Report by** Amanda**Date of report:** 12/05/2025**Ref:**71751/FUL

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Registration: 24/03/2025**LDfC:** 23/04/2025**Expiry Date:** 19/05/2025**Site Visit:** 02/05/2025**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: Demolition of existing single storey side/rear extensions and erection of single storey front porch extension, two storey side extension, single storey rear extension with part first floor balcony above with screen/balustrade and new raised patio at rear with balustrade/steps to garden level

Location: 18 Avon Drive, Bury, BL9 6SN

Description

The application relates to a previously extended two-storey detached house. At the front there is a garden which is open to the highway in front. There is a garage to the side of the main dwelling with driveway in front for two vehicles. There are also steps for pedestrian access to the west side of the site. At the rear there is a patio with steps leading down to the garden at a lower level. The rear garden is very large and the land falls away from the rear of the property. There are open fields to the rear of the site.

No.16 to the west of the site has raised patio and first floor balcony to the rear and there is a mature hedge along the shared boundary with this property. No.20 to the east side has also been extended but their patio area is at a lower level compared to the site. The rest of the garden appears to have a similar level to that on site. Currently there is a wall along the shared boundary with no.20 at patio level and fencing along the lower garden.

The proposal is to demolish the existing single storey side/rear extensions and erect a single storey porch to the front, two storey side extension, single storey rear extension with part first floor balcony and a new raised patio with glazed balustrade and steps down to the rear garden.

The porch would measure 885mm x 3140mm and the roof would be pitched. The two storey side extension would measure 5060mm wide x 8139mm long and it would have a pitched roof. At the rear there would be a flat roof single storey extension projecting 6300mm from the original rear elevation and measuring 11620mm wide. On the rear elevation there would be two sets of bi-folding patio doors and a central full length window.

At first floor level there would be a balcony to the east side, accessed from bedroom no.2. It would measure 2500mm x 3532mm. The balcony would have a glazed balustrade and a 1700mm high obscurely glazed privacy screen to the side.

To the rear of the extension there would be a new raised patio erected. It would project 2500mm from the rear elevation and would measure around 10067mm wide. It would have a glazed balustrade and a 1700mm high obscurely glazed privacy screen to the east side. It would measure around 1000mm higher than the garden to the rear and there would be centralised steps leading down to the garden.

Relevant Planning History

N/A

Publicity

5 neighbours were notified on 01/04/2025 - No objections received. One comment received

The neighbour commented that they are glad the new owners plan to improve the current state of the property and overall they have no objections to the proposal. However, they wanted clarification that the proposed section of boundary fence along the side boundary would be 2000mm high from the existing ground level and also that the proposed materials used would be in keeping with the rest of the fence.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 design of the proposal is considered to be in keeping with the existing building.

The design of the proposal is considered acceptable in this location.

The materials are to be conditioned to match the materials of the existing building.

The application states the materials are to match the existing building and the standard materials condition is to be applied.

The 1.5m set back at first floor level from the original front elevation means the proposal is considered acceptable in terms of 'terracing' and the effect on the 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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There are no residential properties directly to the rear of the site.
- Properties to the front would be an acceptable distance from where the proposed extension would be built.
- There would be no windows and one store room door to the west side elevation adjacent to no.16 Avon Drive and to there would be no windows added to the east side elevation adjacent to no.20. As such the proposed extensions would not have any significant detrimental impact on privacy levels at either adjacent property.
- The proposed raised patio would be around 3970mm from the shared boundary and there is an existing tall hedge along the shared boundary which would screen all views to and from this area.
- On the east side of the patio there would be a 1700mm high obscurely glazed privacy screen to ensure there would be no direct overlooking of land at no.20 next door. The patio would also be around 1363mm away from the shared boundary with no.20.
- The proposed balcony would be just over 10000mm from the shared boundary with no.18 and the existing high hedge would screen views to and from this area.

- There would be a 1700mm high obscurely glazed privacy screen installed to the east side which would help to prevent any direct overlooking at no.20 next door.
- The balcony would be adjacent to a single storey rear extension at no.20. As such there would be no direct overlooking of the patio area at no.20 and in terms of noise levels, the proposed privacy screen and the extension to the rear of no.20 should both help to alleviate any potential noise pollution from users of the proposed balcony.
- The driveway at the front would remain an acceptable length to the highway in front and it would still accommodate upto 2 vehicles.

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 an area at the front for parking 2 vehicles and this would remain following the side extension being built. There would be a loss of on site parking spaces due to the removal of the existing garage but there are no restrictions to parking on the highway in front. As such in this instance then the parking arrangements are considered sufficient.

Response to neighbour comment -

Following the comment from the neighbour the agent was contacted and they submitted a revised drawing showing that there would be no changes to the existing boundary and they added a privacy screen to the east side of the raised patio. An email was sent to the neighbour on 12/05/2025 along with a copy of the revised drawing for their information.

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 944-01A, 944-02, 944-03, 944-04, 944-05, 944-06B and 944-09 received on 01/04/2025 and drawings numbered 944-07C, 944-08C and 911-10B received on 09/05/2025 as modified by the email from Conway Architectural Design dated 09/05/2025. 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 in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

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 ground floor patio and upper floor balcony hereby permitted obscurely glazed privacy screens shall be installed to a minimum height of 1.7m from floor level 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 - 12/05/2025			