

DELEGATED REPORT

Report by Jane Langan	Date of report: 12/11/2020	Ref: 66020/FUL
Registration: 02/10/2020	LDFC: 27/10/2020	Expiry Date: 27/11/2020
Site Visit: 20/10/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Three storey extension at side/rear with balcony/steps to garden level and loft conversion with rear dormer

Location: 559 Manchester Road, Bury, BL9 9ST

Description

The property is a semi detached house. It has parking to the front garden and there is a gap to the side leading to a fenced rear garden. From the rear of the house is a raised patio with steps down to a lawn. The properties beyond the rear boundary are a storey lower. The adjoining neighbour is No.561 and has a conservatory along the boundary adjacent which is a two storey extension. The application states this property is also within the applicants ownership. To the opposite side No.557 is the unattached semi and there is a gap between the two properties and fencing runs along each boundary.

The application includes an extension to the rear that would come out 5m deep at ground floor and 3.5m at first floor. With the garden at a lower level, a lower ground floor would be created and above this a 1.4m deep area of raised decking leading out from the ground floor level. The extensions would form a playroom at lower ground level, a lounge at ground floor and a bedroom at first floor. A rear dormer would be added to form a further playroom.

Relevant Planning History

33873 - Part two storey / part single storey extension at rear; New vehicular access - AC 11/03/98

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - Located to the rear the proposed extensions would not be visible from the main street view. The roof would be hipped with a monopitch to the single storey section projecting deeper. The rear dormer would sit to the side of the new roof and project as flat roofed for a section past the new hipped roof. Whilst it is not ideal in design terms given it is located at the rear where flat dormers can be added under permitted development it is not considered that there are grounds for refusal. Materials would be brickwork and roof tiles to match with the dormer walls metal/cedral composite cladding. The decking would provide access out from the ground floor level and be enclosed by a 1.1m glass balustrade.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered and the proposal would not affect the existing parking arrangements at the front.

Residential amenity - In relation to the adjoining No.561 then the proposed extension at ground floor would project less than 3m from the rear of its conservatory. The proposed first floor would project out at 3.5m deep from the first floor rear elevation to 561. At first floor this is effectively single storey to single storey and therefore SPD6 would normally require a maximum projection of 3m. In this instance, given the adjoining property is within the ownership of the applicant it is not considered that the additional 0.5m is such that the proposal should be refused and the agent has reduced the first floor projection from the original 5m to 3.5m. The decking is also considered acceptable as whilst it runs along the boundary of the garden to 561 then, as can be seen on the site photos, the gardens are open and borderless between the two properties therefore there would be no privacy concerns.

In relation to the adjacent No.557 then there is a gap between the two properties of around 3.5m. The main windows to the rear of this property are located to the party wall side and there would be no encroachment over a 45 degree line from their mid point from either the two or single storey proposed extensions. Each garden is also fenced and separated by a gap and the decking would not then be close to the boundary to No.557. At 1.4m deep the decking does not provide a large area of outside space and due to the levels provides level access out from the ground floor of the site. It is also the decking steps that would be to the side and lead down to the lawn level.

To this side the existing side elevation of the site would have kitchen and bathroom windows added. The ground floor one could be added as permitted development and further screening in the form of fencing can be added if either party should require it. The first floor bathroom window to the side and a small one to the ensuite in the extension are conditioned to be obscure glazed.

There would be a distance of over 12m from the proposed first floor rear window to the boundary and the dormer would be set back further. This would provide sufficient separation distance to the boundary with the properties at the rear, including accounting for levels.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 drawings numbered NA-P01, NA-P02 received 09/11/20, NA-P03 received 12/11/20 and the development shall not be carried out except in accordance with the drawings hereby approved.

DELEGATED REPORT

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.

- 3 Before the first occupation of the extension hereby permitted the windows to the bathroom and ensuite to the north 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>
JL	12/11/20	DM	19/11/20