

Description

The application property is a previously extended semi-detached house. It has a hedge along the front boundary and all of the front of the site is hardstanding. At the rear is a large garden with fences to all boundaries. Planning permission was granted at this property on 21/07/2022 for extensions to the main dwelling. Works have been started on site, but are currently ceased pending the outcome of a new planning application (69813).

The proposal is to build a detached outbuilding to the rear of the site which would be used as a gym and store. The building would measure 11.68m long and 5.4m wide. The roof would be pitched with six rooflights and it would be positioned 1m away from the side and rear boundaries. The walls would be finished with white K-render.

Relevant Planning History

68302 - Single storey / two storey extensions at side / rear, two storey extension at front; Juliet balcony at rear; 2 no. loft windows to front and 2 no. loft windows to rear and extension to roof to form loft conversion; garage/storage conversion to create additional living space and external alterations - Approve with Conditions 21/07/2022

69813 - Resubmission of application no. 68302 with addition of dormer to the rear and rebuilt of existing garage. Single storey / two storey extensions at side / rear, two storey extension at front; Juliet balcony at rear; 2 no. loft windows to front and 2 no. dormer to rear and extension to roof to form loft conversion; rebuilt the existing garage to create additional living space and external alterations -

Publicity

Neighbours notified on 12/07/2023 - One objection received. A summary of their objections is listed below.

- The applicant has cut down tall laurel trees along the boundary which have been in place for over 26 years. These screened their property from view.
- They advise they were told by the contractor removing the trees that the applicants were building a shed. They go on to say that the building is not a shed, it is of bungalow proportions which would be very close to their property.
- It would be 12.3m from their outside wall to the boundary fence.
- The proposed rooflights would be an invasion of privacy and users of the building could look into their daughter's bedroom.
- The rooflights would not comply with the 45° rule.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 outbuilding would be built close to the rear site boundary. As such it would not be visible in the streetscene along Brandlesholme Road at, but it would be visible from neighbouring rear gardens. It should be noted that an outbuilding with an overall height of 2.5m could be built as permitted development, in the same position as the proposed building. The outbuilding would be taller but as it is to the rear of the site and wouldn't be visible in the public realm it would be considered acceptable in this location.

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 -

- The outbuilding would be built 1m away from the rear and side boundaries. As such

there would be no concerns regards encroachment onto neighbouring land.

- The outbuilding would be around 13m away from the rear of no.5 Salthouse Close to the rear of the site. This distance would be acceptable in terms of separation distances as set out in SPD 6.
- A condition would be added to the decision to ensure the outbuilding would only be used as ancillary to the main dwelling.
- The bathroom window to the rear elevation would be high level. As such it would not cause any significant detrimental harm in terms of residential amenity to the property to the rear of the site.
- The outbuilding would be more than a sufficient distance from numbers 356 and 360 Brandlesholme Road to either side of the site.

Taking the above into account 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 distances to surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front of the site.

Response to neighbour objection -

Some of the neighbour's concerns have been addressed in the report above. With regards to the concern that Laurel trees have been removed, the trees were not subject to a TPO and as such the owner of the trees, in this case the applicant, can remove the trees at any time.

In terms of the impact on privacy it would appear the neighbour has misinterpreted the 45° rule in terms of the building's impact on their property. The outbuilding would have rooflights to both sides of the roof but given that the outbuilding would be around 13m away from the neighbouring property it is considered that there would not be any significant detrimental effect on residential amenity at the neighbour's property.