

DELEGATED REPORT

Report by Amanda

Date of report: 07/09/2022

Ref:68579/FUL

Uhunmwagho

Registration: 21/06/2022

LDfC: 10/08/2022

Expiry Date: 16/08/2022

Site Visit: 19/08/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at front; Balcony with staircase at side

Location: 1 Woodleigh Court, Bury, BL8 1TP

Description

The application relates to a two storey detached dwelling with an attached double garage to the front. The property is one of four detached homes which are accessed via a gate from Tottington Road. There is a parking area to the front of the property and a large private garden to the rear.

The proposal is to build a first floor extension at front, above the existing garage and to the front of the main dwelling along with a balcony with staircase at side/rear. The roof of the extension would be hipped and it would be finished with materials to match the existing dwelling. The balcony area to the rear is to be used as an emergency access from the proposed first floor bedroom to the rear garden. There would be an obscure glazed privacy screen to the side measuring 1.7m high and access to the rear garden would be via a spiral staircase.

Relevant Planning History

N/A

Publicity

Neighbours notified on 19/07/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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.

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 proposed extension would be finished with materials and a design that would be considered to be in keeping with the existing building. The proposed glazed privacy screen and spiral staircase would only be partially visible from the rear gardens of properties to the north of the site and as such would not have any significant detrimental impact on the existing streetscape.

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 first floor extension would be a sufficient distance from neighbouring dwellings not to have any significant detrimental effect on residential amenity at those properties.
- At the side/rear the balcony area would have a 1.7m high, obscurely glazed privacy screen installed to the north west side elevation to prevent any overlooking of the rear gardens of properties to the north.
- There would be two new windows installed to the first floor of the north west elevation. The plans show that one would be obscurely glazed and one would be clear glazed but high level. A condition would be added to the decision stating that these windows should remain as such in the future in order to retain privacy levels between the application property and neighbouring gardens.
- The external staircase is for access from the balcony area to the rear garden. This would not have any significant detrimental effect on residential amenity to the north of the site given that it would be located adjacent to a back street to the north.
- The proposed extension would not affect existing parking arrangements within the site.

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 by one room 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 two vehicles as well as a double garage and this would remain following the first floor extension being built. The area is also high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 22/696/01, 22/696/02, 22/696/03 and 22/696/05 received on 21/06/2022 and revised drawing numbered 22/696/04A received on 04/09/2022. as modified by the email from Mr John Hodkinson dated 04/09/2022. 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.

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- 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 extension hereby permitted the 1.7m high obscurely glazed privacy screen to the first floor of the north west side elevation, as shown on revised plans received on 04/09/2022, shall be fitted and permanently retained in position whilst it serves the development hereby approved.
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.
- 5 With regards to the two first floor bedroom windows to be installed to the north west elevation, prior to the first occupation of the extension hereby permitted the window labelled as a 'landing' shall be fitted with obscured glazing to an internal height of 1.7m and shall be permanently retained in that condition thereafter. The second window labelled as 'bedroom' shall be installed at an internal height of no less than 1.7m and 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 6/9/22		DM 6/9/22	