

DELEGATED REPORT

Report by Mo Warsame	Date of report: 04/10/2023	Ref: 69906/FUL
Registration: 09/08/2023	LDfC: 30/08/2023	Expiry Date: 04/10/2023
Site Visit:	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: Two storey side extension/single storey extension at side/rear and loft conversion with rear dormer; Erection of outbuilding at rear

Location: 12 St Peters Road, Bury, BL9 9RB

Description

The application relates to a 2 storey, semi-detached property located on St Peter's Road. The premises has parking to the front/side that leads down the side of the premises to a large area of private amenity space. The adjacent properties on either side are No. 10 and No.14. There are no properties directly to the rear of the site.

Planning permission is sought for a two-storey side extension, a single storey rear extension along with a loft conversion with rear dormer and the erection of outbuilding at rear. The two-storey side extension would extend approximately 3.9m to the side and would have a setback of 1.4m from the shared side boundary. It would not project beyond the principal front and rear elevations. The single storey rear extension would project 3 metres to the rear and the proposed dormer to the rear would be constructed entirely on the footprint of the existing roof. The development would also include a proposed outbuilding which would measure approximately 2.95m high, 4m wide and 7.5m long. The outbuilding would be constructed with timber effect cladding and would have a flat roof.

The proposed dormer would also have a flat roof, while both the proposed single storey and two-storey extensions would have pitched roofs. The proposal would be constructed with some matching materials, and it would accommodate a new playroom, utility and kitchen extension on the ground floor along with additional bathrooms and bedroom on the upper floors.

Relevant Planning History

None.

Publicity

Neighbour letter sent. One objection received.

Comment

The comments relate to drainage concerns and in particular the increasing bathroom numbers due to this proposed scheme. They believe there would be an increase in the demand of the waste services and possibly cause future issues with the drains.

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance there would be no setback distance from the main frontage of the dwelling but there would be a setback distance of 1.4m to the site. This would be considered acceptable and will not lead to a terracing effect.

Situated to the side, the two-storey side extension would be visible from the street scene. However, the extension would be a rectangular extension yet simple and unobtrusive design, which would not detract from the character of the dwelling. It would not project beyond the principle rear elevation to the rear and would have a pitched roof replicating the shape and style of the original and neighbouring dwellings. To the rear, both the proposed single storey rear extension projecting 3 metres to the rear and the proposed dormer would be modest extensions and could be built under Permitted Development rules. Furthermore, they would not be visible in the street scene on St Peters Road.

At approximately 2.95m high, 4m wide and 7.5m long the structure would not be extensive for a domestic outbuilding, particularly given the size of the plot. Additionally, the development would be sufficiently setback from all neighbouring properties as it would be located at the end of a large garden. Furthermore, the existing scrubs and trees would further shade the outbuilding from the neighbouring properties. In terms of materials the proposal presents a small-scale modern design. The proposed timber effect cladding walls finish are considered appropriate materials for a domestic setting.

Given the above the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, 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

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Properties to the front would be over 20 metres away and there would be no houses directly to the rear.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. Given, the proposed development would extend no more than 3 metres to the rear, it would be considered acceptable. Furthermore, the extension would have no proposed side windows.
- The proposed two-storey side extension would not project beyond the principal rear elevation and therefore there would be no detrimental impact on the adjacent neighbours. Moreover, in terms of overlooking and privacy there would be no new habitable side windows proposed. The proposed windows to the side in this extension would all be from bathroom windows.
- The proposed dormer extension would be built entirely on the existing footprint of the property. The proposed dormer would not have windows to the sides. Furthermore, number of properties within this street have similar development approved. Therefore, the proposed rear dormer extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

- The proposed outbuilding would be a single storey and therefore any overshadowing would not be seriously excessive above and beyond the existing situation. Furthermore, it would be shaded by the existing scrubs and there would be sufficient distance to the adjacent properties on either side and there would be no property directly to the rear of the site. Therefore, the proposed development would not overlook any of the adjacent dwellings. It is therefore considered to be acceptable and complies with adopted guidance in SPD6. The proposed outbuilding would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal would not affect the existing parking arrangements above and beyond the recent the existing situation.

Response to objection/comments

This is a separate matter, as it is not directly related to planning. Therefore, the raised comments would have no significant impact on this application.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

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 ZT23-196-04, ZT23-196-05, ZT23-196-07, ZT23-196-12 and the development shall not be carried out except in accordance with the drawings hereby approved.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	04/10/2023		