

DELEGATED REPORT

Report by Amanda

Date of report: 18/06/2024

Ref:70743/FUL

Uhunmwagho

Registration: 09/05/2024

LDfC: 08/06/2024

Expiry Date: 04/07/2024

Site Visit: 10/06/2024

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: Two storey/single storey side extension

Location: 134 Bury Road, Tottington, Bury, BL8 3ET

Description

Planning permission was previously granted at this property in November 2023 for virtually the same development. The only difference is the change of roof style, height and an additional first floor window to the side. All other aspects remain as previously approved.

The application relates to a two storey, stone detached property situated on a small plot in between numbers 132 and 136/138 Bury Road, Tottington. It is positioned well back from the highway and has a drive to the front with timber gates for access. There is a fence and planting along the west boundary to the front of the site and to the east side there is a fence to part of the shared boundary with no.136 Bury Road and the rear elevations of numbers 136 and 138 Bury Road abut the shared boundary.

To the rear of the property are grounds belonging to Walshaw Sports Club and the side elevation of no.134a Bury Road is adjacent to the west side of the rear garden/yard. Also to the west there is an access path which runs from Bury Road to the rear of adjacent properties as well as to the rear of the site.

The proposal is to build a single/two storey side extension which would provide a new lounge and office to the ground floor and a third bedroom to the first floor. The extension would be built flush with the existing front elevation and it would measure 2.13m wide. The extension would measure 7m along the side boundary. The extension would then be angled to match the site boundary and would extend a further 2.43m to the west. It would measure 2.8m wide and would extend 4.72m along the rear elevation, which would be built flush with the existing rear elevation. There would be one window to the front (north), a high level window to the south and patio doors to the rear (west).

The two storey section would be built to the side of the main dwelling. It would measure 10.2m in length and across the rear it would measure 4.27m. There would be one bedroom window to the front and to the rear bedroom there would be a window to the side elevation and an obscurely glazed window to the rear elevation.

Relevant Planning History

- 70130 - Two/single storey extension at side - Approve with Conditions 23/11/2023
- 69839 - Two/single storey extension at side - Approve with Conditions 28/09/2023
- 22/0308 - Operating Car Sales from home. Vehicles for sale/low loader parked on Sunnywood Close - 10/10/2022

Publicity

7 neighbours notified on 17/05/2024 - No comments or objections received.

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.

Given the location of the property it would only be fully visible from directly in front of the site. The existing building is around 15m set back from the highway and the extension would be the same.

The extension would be built with materials and a design that would be considered to be in keeping with the existing building. As such the proposed development would not cause any significant harm to the character of the existing building and the surrounding streetscene. The design of the proposal is 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 extension would be around 15m from the front site boundary and would be more than a sufficient distance from properties on the opposite side of Bury Road.
- As the extension would be to the west of the existing dwelling there would be no detrimental impact on residential amenity at numbers 136 and 138 Bury Road situated to the east of the site.
- Directly to the rear of the site is the grounds to Walshaw Sports Club. Although the grounds are used as a sports club the land is owned by the Council and as such could be released for residential development in the future. Due to the close proximity of the proposed rear bedroom window, to the boundary a condition would be added to the decision stating that this particular window should be fitted with obscure glazing in order to retain privacy levels between the new bedroom and land to the rear of the site.
- The ground floor patio doors to the new lounge would overlook the applicant's garden only and the existing boundary fence would screen views to and from the site.
- There would also be a high level window to the lounge adjacent to the southern boundary. As the window would be installed at a high level there would be no concerns regards loss of privacy between the application property and land to the south. However, a condition would be added to ensure that this window remains high level at all times in order to retain privacy levels between the application property and Walshaw Sports Club to the south.
- The proposed two storey extension would be around 9.6m from the single storey rear elevation of no.134a Bury Road to the west and that property and around 12.3m from the two storey elevation. This property has a bedroom window at first floor level. After inspecting plans relating to works at no.134a next door the first floor window overlooking the site was relocated from the rear elevation following an extension being built. As such this window would be given less weight in terms of residential amenity. As such the separation distance between the two properties would be considered acceptable in this instance.
- No.132 Bury Road has a single storey rear extension and there are no windows to the side or rear elevation that would be affected by the position of the proposed extensions.
- The drawings show that all of the development would be built within the site boundary. As such there would be no concerns regards encroachment on to adjacent land.

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 increase the number of bedrooms from 2 to 3 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 2 parking spaces. Parking would be as existing to the front drive which would be unaffected by the development and there is space for several vehicles. The area has on street parking and there is public transport available. 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 750-01, 750-02, 750-03, 750-04, 750-05, 750-06C, 750-07A, 750-09c and 750-10E received on 09/05/2024 and revised drawing numbered 750-08D received on 17/06/2024 as modified by the email from Conway Architectural Design dated 17/06/2024. 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.
- 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 first-floor bedroom window on the south 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.

- 5 Before the first occupation of the extension hereby permitted the high level ground floor window on the south elevation shall be installed at a height of no less than 1.7m above the internal 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 - 18/06/2024		DM - 20/06/2024	