

DELEGATED REPORT

Report by Jane Langan	Date of report: 10/01/2022	Ref: 67665/FUL
Registration: 04/11/2021	LDfC: 02/12/2021	Expiry Date: 30/12/2021
Site Visit: 24/11/2021	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: A: Single storey rear/side extension
B: First floor front extension

Location: 3 Bridgefield Drive, Bury, BL9 7PE

Description

The property is a two storey detached house located on a residential estate. It has a single storey double garage that projects from the main front elevation and the front garden is fully hard surfaced for parking. A low brick wall runs along the front boundary with the public footpath. To each side of the house a path leads round to a rear garden and the property is extended with a conservatory across the rear and part of the side. The neighbouring property to the side of the proposal is No.5 a two storey detached house. It has fencing screening along the site boundary and the side elevation is a blank wall. There are no properties directly to the rear.

The application includes a first floor extension above the garage 7.5m deep by 6m in width. It would form two additional bedrooms one with ensuite. To the east side elevation a single storey would come out 1.6m and run along for 9m extending the existing conservatory.

Relevant Planning History

54349 - First floor front extension - Refused 22/09/2011.
54939 - Conservatory at rear - Approved with Conditions 10/04/2012.
65312 - First floor front extension - Withdrawn 19/03/2020.

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.

UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan sets out the factors against which householder developments are considered and which are:-

- a) the size, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties;
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

Supplementary Planning Document 6 (SPD6) requires domestic extensions to achieve a high standard of design and complement the original building by reflecting its design, massing, scale and finishing materials. It notes that incompatible designs result in a poor relationship with the original building and street scene.

SPD6 Section 4.4 has a generally presumption against large extensions at the front of properties due to the need to protect the character of the street scene.

Visual Amenity and design - The proposed first floor extension would see a two storey development 7.5m deep and 6m across extending from the main front elevation of the property to within 3.4m of the front boundary. It would have a dual pitched roof forming a

front gable and materials to match the existing house with render, brickwork and roof tiles to match the existing house.

The properties in the street are large detached houses and are of different designs. There are however none that have a two storey structure so close to the front boundary and public footpath. The proposed first floor then, in this instance, at this particular site would appear out of place and as an intrusive feature in the street and be seriously detrimental to the visual amenity in this area.

The proposed single storey to the side would be flat roofed and in brick to match the existing. Set well back from the front elevation and to the rear of the gates to this side it would have limited view from the main street. This element of the proposal would be acceptable.

Residential Amenity - The proposed first floor would be to the side to the neighbouring No.5. It would run adjacent the drive to this property and there is also a gap of between the properties. No.5 has a garage at ground floor and a window above at the front. The proposed first floor would not encroach a 45 degree line from the mid point of this window and as such would not cause any significant loss of light or over shadowing. There would be a habitable room located to the side of the proposed first floor. It would be secondary as there would be one located to the rear elevation. The proposed side window would not overlook any private amenity space to No.5.

The proposed single storey side extension would have minimal impact as it would be flat roofed and No.5 has fencing screening along the shared boundary.

There would then be no serious impact to this closest neighbouring property.

As the proposed single storey extension would comply with UDP Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties but the first floor would not a split decision is recommended.

The agent has included a Design Statement as to why they consider the proposal to be acceptable. Each application and site is dealt with on its own merits and the reasons for the recommendation are addressed as above. With regard to the request on a previous application for a bat assessment then the statement notes that one would be provided if considered essential. As such, if the applicant were to take up pre application advice on a more appropriate revised scheme a consultation could be made with Greater Manchester Ecology Unit as to whether a survey would be required prior to submission of a formal application.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

Proposal A 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 Paragraphs 186-187 of the National Planning Policy Framework.

Proposal B would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Split Decision

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.
- 1 The proposed first floor extension would, by reason of size and position be a prominent and intrusive feature in the street scene and result in a development which is neither appropriate to, nor sympathetic with the existing dwelling and street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 - Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 This decision relates to drawings numbered 20/543/01, 21/663/01, 21/663/02, 20/543/02A, 21/663/03, 20/543/03A, 20/543/04A, Existing and proposed site plan 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>
JL	10/01/22	DM	10/01/2022