

DELEGATED REPORT**Report by** Amanda**Date of report:** 21/02/2023**Ref:**69190/FUL

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Registration: 10/01/2023**LDfC:** 01/02/2023**Expiry Date:** 07/03/2023**Site Visit:** 20/01/2023**Site Notice:** N/A**Press Date:** N/A**Objections:** 2**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS

Proposal: Two storey rear extension; Hip to gable roof extension at side with new windows to side elevation and loft conversion; New front porch

Location: 75 Brandlesholme Road, Tottington, Bury, BL8 4DX

Description

The site is not within the designated Green Belt but the areas to the front (south) and south east of site are. There are a number of different house types within the immediate vicinity. Opposite the front of site is a cricket ground with residential properties to the rear which are over 20m away from the existing dwelling on site.

The property in question is a semi-detached stone bungalow. There are three pairs of semi-detached bungalows along this row which are of the same design and very different from other properties in the local vicinity. They have a unique design and are stone built as oppose to brick built dwellings nearby. The houses have a very uniformed appearance and are all a similar distance from the highway in front. Further up Brandlesholme Road there is a row of two storey terraced houses, a detached property and a block of apartments. To the south east side there is a larger two storey stone property.

The proposal is to add a rear extension providing further kitchen/dining room space at ground floor along with two new bedrooms in the loft space. The roof would be converted from hip to pitched to accommodate the proposed first floor living space. All windows would be to the rear elevation only and there would be one rooflight to either side of the new roof.

At the rear a small porch would be removed and the extension would project 2.12m from the rear of the existing property and it would measure 6.94m wide. To the west side the extension would square off the rear corner of the house and the extension would project a maximum of 4.69m from the original dwelling on this side. It would be built using stone to match the existing property as well as some zinc cladding to the side and rear elevations.

To the west side elevation a ground floor dining room window and another window would be removed and a kitchen and stairwell window would be installed. The kitchen window would be at ground floor level with the stairwell window being larger in its design and it would be positioned at a higher level on the side elevation.

At the front there would be a new porch measuring 1.68m x 2.21m and it would have a pitched roof. Also at the front there would be five rooflights installed, one to a bathroom and four to a new bedroom.

Relevant Planning History

N/A

Publicity

Five neighbours notified on 11/01/2023 - Two objections received. A summary of the objections is listed below;

- The new proposed first floor window to the rear of the property would have a detrimental impact on privacy levels at their property as users of the room would have views over their property including their rear bedroom windows.
- Loss of light to their property due to the height increase.
- The large double window on the side elevation would overlook their lounge windows and could have a detrimental impact on privacy levels at both properties.
- The driveway between the two properties belongs to them and they do not want anyone using or blocking the driveway for any reason.

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 hipped to gable roof and rear extension would be built with materials and a design that would be considered acceptable on this property and as the roof could be converted from a hip to gable as permitted development this change would not warrant refusal of the application.

The rear extension would add a modern element to the property with zinc cladding to the rear and side elevations, and large feature windows. As most of this part of the development would not be readily visible in the public realm it would not cause any significant detrimental harm in terms of the streetscape.

Given that the property is at the end of a row of properties the side elevation would be visible from the highway, meaning that the large stair well window would be partially seen from the highway. However, it would be constructed with materials and a design that would be considered acceptable on this property and as it would be positioned well back from the front elevation it would not have any significant detrimental effect on visual amenity.

The front porch would be built with more traditional materials that would be considered to be in keeping with the existing building as well as with neighbouring properties.

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 rear extension would be around 10.9m to the rear site boundary. This would be more than sufficient in terms of the requirements set out in SPD 6 and as such it is considered that there would be no significant detrimental impact on residential amenity at no.1 Beech Grove directly to the rear of the site.
- The rear extension would also be around 30m away from the rear of no.6 Dover Close to the north of the site and windows in the rear extension would not have direct views over this property or its garden areas. The separation distance of around 30m would be more than sufficient in terms of SPD 6.
- The rear extension would be around 2.48m way from the shared boundary with no.77 Brandlesholme Road, attached. There is a ground floor bedroom window to the rear of no.77 directly adjacent to the shared boundary. The rear extension would compromise both the 25° and 45° rules but it is noted that the attached neighbour has not objected to the proposal. In terms of its height the extension would contravene the 25° rule by around 600mm. It is considered that even if the eaves height of the extension were to be reduced by 600mm the impact of the extension on the window to the rear of the

attached neighbour would not really be any different to how it is proposed.

- A site visits was made to no.83 Brandlesholme Road, which has had an almost identical rear extension approved in 2018 and is now built. After visiting this site it is clear that there is some impact on the rear window of the attached property but the gap between the extension and the shared boundary ensures that the impact is not considered to be seriously detrimental.
- It is noted that the natural path of daylight would be across the front of the property. As such this would not be significantly detrimentally affected by the proposed development.
- No.73 Brandlesholme Road to the west is a two storey end terraced cottage. There are two ground floor windows towards the front of the property on the side elevation and a small window to the first floor. The proposed stairwell window would be positioned around 5.5m set back from the front of the application dwelling which means this window would face on to a blank two storey wall at no.73 and there is an access road/driveway in between the site and this particular property. As the stairwell would not be considered to be a habitable room and it would not directly face on to any windows to the side of no.73 the separation distance of around 9.5m would be acceptable and it is considered this window would not cause any significant detrimental harm in terms of residential amenity at no.73 Brandlesholme Road.
- The proposed kitchen window to the side would not have any detrimental impact on residential amenity on properties and land to the west of the site.
- No.73 is positioned slightly closer to the highway in front compared to the application dwelling and there is a private road to the side of this property providing access to the rear of no.73 as well as neighbouring dwellings. The proposed rear extension would be built along the access road, and not directly adjacent to no.73. As such any impact on light to the side/rear of no.73 would be considered minimal and there would not be any significant detrimental impact on light availability at this particular property.
- The porch to the front of the dwelling would be considered non-habitable and would face on to the highway, with the local cricket club on the opposite side of the road.
- The proposed rooflights to the front of the property and to the rear extension would not have any significant detrimental impact on residential amenity.
- The proposed development would not interfere with 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 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 side drive which would be unaffected by the development and there is space for two vehicles. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

The objections have been addressed in the report above.

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

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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 ZT22-196-01, ZT22-196-02 and ZT22-196-03 received on 19/12/2022, drawing numbered ZT22-196-08 received on 10/01/2023 and revised proposed drawing numbered ZT22-196-04 received on 21/02/2023 as modified by the email from Thorp Design Services Ltd dated 21/02/2023. 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 to the front elevation and external finishing materials to the rear elevation shall be as annotated on the approved revised drawing numbered ZT22-196-04 received on 21/02/2023.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 21/02/2023		DM	23/02/23