

DELEGATED REPORT

Report by Amanda

Date of report: 02/11/2023

Ref:70003/FUL

Uhunmwagho

Registration: 15/08/2023

LDfC: 22/09/2023

Expiry Date: 10/10/2023

Site Visit: 28/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 14 Poynton Close, Bury, BL9 9EA

Description

The application relates to a two storey mid-terrace property with a small front garden and a garden to the rear. There are fences to both side boundaries.

The proposal is to build a single storey rear extension at the property projecting 3.5m from the original rear elevation and measuring 4.8m wide. The roof would be flat with two rooflights and at the rear the roof would slightly overhang the rear wall. The north side elevation would be around 328mm away from the shared boundary with no.12 and around 266mm off the shared boundary with no.16 to the south.

Relevant Planning History

N/A

Publicity

5 neighbours were notified on 01/09/2023 - One objection received. A summary of the comments is listed below regards the original proposed plans submitted;

- They are concerned about the height of the extension.
- It will block sunshine to their rear garden, particularly in winter.
- It would impact on their views of the surrounding area.
- They are concerned about the hygiene of the application site as they have seen several mice at the property. They feel the affected areas could spread disease within the blocked off areas where the extension would be.
- The extension would restrict air flow caused by the height of the extension.

On 06/10/2023 the neighbour was emailed revised drawings showing the extension with a flat roof but still with the projection at 4.8m, as originally proposed. There were several emailed between the department and the neighbour. A summary of their comments is shown below;

- There are no exact measurements showing the height of the extension on the drawings.
- The height of the extension may affect the EPC of their home, especially in winter.
- Their property would lose value due to the blocked views/scenery from their garden.
- Due to the direction of the sun the extension could block light to other neighbouring properties.
- How do you measure the height of the extension? Is it measured from the grass land level or from the kitchen, as the kitchen is higher.
- The proposed extension work should be inspected or observed during the building construction frequently to make sure it is being built correctly.

- Would the concrete thickness affect the height? The thicker the concrete could affect the height of the extension.

A final email was received from the neighbour on 12/10/2023 to say thank you for all the emails and attention, and that they appreciate the help. No further correspondence has been received from this neighbour.

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 extension would be built on the rear of the house. As there is a tall fence and gate along the rear boundary the building would only be partially visible from the back street. It would be build with materials that would be considered to be in keeping with the existing building.

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 -

As the extension would be single storey only, the distance from the rear elevation to the rear of properties on Prescott Close would be sufficient in terms of SPD 6. There is also a back street in between the rows of properties which separate the sites from one another.

Both adjacent properties have non-habitable room windows only to the rear elevations and there are fences along the boundaries.

It is noted that the applicant could build a single storey rear extension under Permitted Development rules projecting upto 3m from the original rear elevation and measuring no more than 3m high. The proposed single storey extension would project 3.5m from the existing rear elevation and would measure 2.7m high (flat roof).

The drawings show that the extension would be built close to the shared boundary with no.16 to the south, and that all of the extension would be built within the site. This property has a kitchen window directly adjacent to the shared boundary and the extension would be to the north. An extension with a projection of 3m could be constructed under Permitted Development rights as such the question is how much more impact would the additional 500mm cause.

It is considered that the extension given the overall size is marginally above that of permitted development and as such the margins would not have sufficient detriment to support refusing the scheme. As such the 3.5m projection would not have any significant detrimental effect on residential amenity at that property or its garden.

The site is directly south of no.12 so some detrimental impact on the natural path of daylight to this property would be expected. The existing row of houses currently restricts the natural path of sunlight to the rear of the properties during the morning, and the rear areas would receive more light during the latter half of the day.

The extension would extend just less than half way over the existing garden area and it would have a flat roof. In addition the boundaries to all sides are very open with shorter fences, and very little planting. If the applicant were to build an extension under permitted development upto 3m projection and 3m in height it would certainly have some detrimental

impact on light to the rear of no.12 next door, as well as ground floor windows on the rear elevation. It is considered that the impact of the additional 500mm projection would not have any more of an impact on residential amenity at no.12 than if the applicant built something as Permitted Development.

The flat roof light would also mean that daylight in the later half of the day would be less restricted to the gardens to the north. As such the extension would be acceptable as the impact on the neighbouring amenity would not be significant enough to warrant a refusal of the scheme.

There would be around 3.79m of amenity space remaining within the site to the rear of the extension, which would be around half of the existing garden area.

Taking the above into account 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front of the site.

Response to neighbour objection -

The neighbour's comments have been addressed in the residential amenity section of the above report and by way of a revised drawing received on 27/10/2023 showing a reduction to the proposed projection from 4.8m to 3.5m. The neighbour was not notified of this revised drawing as the reduction in its projection would lessen the impact on the neighbour's garden/property.

Any concerns regards would need to be reported to Environmental Health or a pest control specialist. This would not have any bearing on the outcome of the planning application.

The neighbour enquired about the height of the proposed extension. This information was emailed to them on 10/01/2023.

With regards to loss of views from the rear garden the structure may have some detrimental impact on views from a neighbouring garden. However, it is noted that the structure would be around 200mm higher than what could be built as permitted development. The additional 200mm in height would not make any significant difference to any impact the structure would have on properties to the north of site. As such the external height of 2.77m would be considered acceptable in this instance.

The possible impact on the value of neighbouring properties is not a planning consideration and would not affect the final decision.

Conclusion-

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy No H2/3 - Extensions and Alterations and the Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties.

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 drawing numbered SHT 1 of 2 received on 15/08/2023 and drawing numbered SHT 2 of 2 Rev B received on 27/10/2023 as modified by the email from I.Planning Services dated 27/10/2023. 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.
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	2/11/23	DM	2/11/23