

DELEGATED REPORT

Report by Mo Warsame	Date of report: 17/11/2023	Ref: 70150/FUL
Registration: 06/10/2023	LDFC: 08/11/2023	Expiry Date: 01/12/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey front extension; Garage conversion

Location: 118 Sunny Bank Road, Bury, BL9 8LJ

Description

The property is a two-storey detached house with integral garage and a garden and drive to the front. To the rear it has a fenced garden and works have commenced on a single storey extension approved as part of planning permission 68803. The neighbouring property to the west side is No.116. It is at a slightly higher level and extended single storey at the side/rear. Further along the garden it has a detached garage. To the opposite side No.120 is at a lower level and deeper than the site at the rear. Along the boundary it has a detached garage. To the rear the site borders the rear garden to No.11 Cartmel Close and the house is at a lower level.

Planning permission is sought for part two storey, part single storey front extensions along with garage conversion. Both the single storey and two storey elements of the development would project 2.5m to the front and accommodate a lounge extension and a new porch along with an addition bedroom on the ground floor via the garage conversion. The front would be a two-storey extension and would facilitate a viewing platform on the first floor. The development would have flat roofs over the single storey extensions and a pitched front facing gable roof over the two storey elements. The proposal would also utilise the use of matching materials.

Relevant Planning History

02906/E - As previously suggested the front dormers and balcony have now been removed , the revised details reflect a more modern appearance

- Withdrawn by Applicant 10/10/2023

68803 - Single storey front extension; Single storey rear extension - Approve with Conditions 02/11/2022

69862 - Two storey front extension; Single storey front extension; 2 no. balconies at front, Single storey rear extension and 2 no. window dormers to the front roof - Refused 25/08/2023

Publicity

Neighbour letters sent. One objection received.

Comments

The main concern relates to the potential impact the proposal could have on the current parking arrangement and whether there will be enough parking spaces left on the driveway to accommodate if the development is granted.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Situated in the front, the part single, part two-storey side extension would be visible from the street scene. The single storey elements would be rectangular extensions with modest scale and simple design that would be located on either side of the proposed two storey porch extension. However, the proposed two storey porch extension with its double height and front facing gable roof would have obtrusive design that would appear over dominant. This would detract from the character of the dwelling, especially considering this section of Sunny Bank Road that the site is located, the properties have similar design, and this would provide a prevailing character to the street scene.

As such, it would have seriously detrimental effect on visual amenity in this area. The design of the proposal is therefore considered unacceptable in this location as it would be a prominent feature in the street scene and would not comply with Policies EN1/2, H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

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

- The proposed front extensions would be reasonably modest in scale and would not project beyond the front elevations of the adjacent properties.
- The front elevation would remain over 20m from other dwellings to the front of site and the development would not interfere with the current parking arrangement.
- There would not be any proposed side windows facing the adjacent neighbours.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

As such, 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.

Response to Objection(s)

The report have addressed the main concerns of the objecting neighbour. There would not be any significant detrimental impact on the neighbouring properties. Furthermore, there have been no objections from the Highways.

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

The proposal 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 Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	17/11/2023		