

DELEGATED REPORT**Report by** Amanda**Date of report:** 03/07/2025**Ref:**71886/FUL

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Registration: 28/04/2025**LDfC:** 30/05/2025**Expiry Date:** 23/06/2025**Site Visit:** 20/06/2025**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:****Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Two storey extension at side and raised patio at rear**Location:** 8 Burndale Drive, Bury, BL9 8EN**Description**

The application relates to a two storey semi-detached house with a garage to the side. There is a small front garden and driveway for one vehicle. At the rear the house is higher compared to the garden so there are steps leading down to a patio area, with the rest of the garden accessed from the patio. The rear garden has fences to all boundaries and dwelling to either side appear to have similar ground levels.

The proposal is to build a two storey side extension, as well as building a raised patio to the rear. The extension would measure 2.6m wide x 9.9m long and the first floor would be set back by 830mm at the front. The roof would be pitched and slightly lower than the existing ridge. At ground floor level there would be a store to the front and utility room and wc at the rear, and to the first floor there would be an extension to bedroom 3 as well as an additional bedroom.

At the rear the existing steps would remain in situ and a new raised patio would be built to the side, adjacent to the shared boundary with no.10 Burndale Drive. It would measure around 667mm from the ground level below with a 1.1m high glazed balustrade. Part of the wall to the steps would also be removed for access to the patio area. It would project 2.1m from the rear elevation of the house and would measure 3.85m wide. The side of the patio would be positioned around 200mm off the shared boundary with the attached neighbour. The existing dining room window would be replaced with bi-folding patio doors.

Relevant Planning History

09/0430 - Rear extension - 06/10/2009

Publicity

Three neighbours notified on 09/05/2025 - No comments or objections received.

Neighbours were re-notified on 25/06/2025 due to the raised decking not being included on the original proposal - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.**Development Plan and Policies**

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

The extension would be built with finished materials and a design that would be considered to be in keeping with the existing building. The fact that it would have a first floor setback to the front and the ridge would be lower than the existing ridge it would remain subservient to the original dwelling and it would not appear intrusive in the streetscene.

The patio at the rear would be constructed using materials that would be considered acceptable at this property and as it would be to the rear it would only be visible from a limited number of neighbouring rear gardens. 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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The ground level at no.10 Burndale Drive is the same as on site. There is an existing fence along the shared boundary and mature planting along the shared boundary at no.10 which would screen any views to and from the patio. As such the extended patio would not cause any significant detrimental effect on residential amenity at this property.
- There would be an acceptable distance from the new patio to the rear boundary not to have any significant detrimental impact on privacy levels at properties to the rear.
- As the two storey side extension would not project beyond the existing rear elevation of the dwelling the distance to the rear boundary would be acceptable in terms of SPD 6.
- There would be no windows to the side elevation of the two storey side extension.
- The plans show that all of the development would be built within the site boundaries. As such there would not be any significant detrimental impact on residential amenity at no.6 next door.
- At the front the extension would not project forward of the existing front elevation and the first floor would be set back. The distance to the front boundary and properties to the front of the site would be acceptable in terms of SPD 6.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The existing garage would be converted into storage at the front and utility and wc to the rear. As such one parking space would be lost. The original garage could be converted under permitted development. There would be one parking space to the driveway at the front of the site and there is also on street parking available to the highway in front. In this instance the resulting parking arrangement would be acceptable.

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

The proposal 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

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 998-25-01 Revision A and 998-25-02 Revision A 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 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, and Places for Everyone Joint Development Plan listed.

- 3 The external finishing materials for the approved walls and roof shall match those of the existing building. Windows would be upvc, fascias and gutters would be black upvc and to the rear there would be PPC aluminium folding doors installed on the existing rear elevation.
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 - 03/07/2025		DM 03/07/25	