

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 31/10/2023

**Ref:**70058/FUL

Uhunmwagho

**Registration:** 06/09/2023

**LDFC:** 12/10/2023

**Expiry Date:** 01/11/2023

**Site Visit:** 12/10/2023

**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 front extension; single storey rear extension; new bay window at front and front driveway entrance enlargement including installation of sliding gate

**Location:** 469 Walshaw Road, Bury, BL8 3AE

**Description**

The proposal relates to a two storey, previously extended detached property. It has a double detached garage to the west side of the property. There are large garden areas to the front and rear of the dwelling and parking on site for upto 4 vehicles, plus the garage. Along the front boundary there is a red brick wall and planting. At the rear there are fences to all boundaries with planting and trees in front. There are open fields to the front of the site which is designated as Green Belt, but the site is not within the Green Belt.

The proposal is to build a two storey front extension, bay window to the front, single storey rear extension and also to extend the driveway access and install a sliding gate.

The two storey extension would be built on the east side of the front elevation. It would measure 5m x 5.25m and it would be set back from the front elevation by 440mm. The roof would be hipped to mirror the existing roof. There would be a pre-cast stone entrance porch surround from the ground floor to above the proposed first floor bedroom window. The front entrance would have a single door with glazing above, and to either side of the door. The bedroom above would have full length glazed windows.

Also to the front a bay window would be installed. It would project 795mm forward of the main front elevation and would measure 3.74m wide. The roof would be hipped.

At the rear the single storey extension would project 3m from the existing rear elevation and it would measure 8.28m wide. It would have a dwarf brick wall and glazing to all sides, with two sets of patio doors to the rear.

The existing driveway access would be increased from 3.5m to 4.5m and a 900mm high aluminium slatted, sliding gate would be installed. There would be no change to the existing dropped kerb to the front of site.

**Relevant Planning History**

67408 - Change of use from dwellinghouse (Class C3) to care home (Class C2) - Approve with Conditions 10/11/2021.

**Publicity**

5 neighbours notified on 21/09/2023 - No comments or objections received.

**Statutory/Non-Statutory Consultations**

Traffic Section - No objections. Conditions and informatives suggested.

**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.

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.

This section of Walshaw Road consists of semi-detached and detached properties which all have very different designs. The proposed development would be built with a design and materials that would be considered to be in keeping with the existing building and would remain acceptable in the existing streetscene.

The single storey rear extension would not be visible in the public realm and it would be built with materials and a design that would be acceptable in this location.

Most of the properties close by appear to have driveways which are open to the highway in front. As such the proposed sliding gate would be a different feature in the streetscene. However, as it would be 900mm high it could be installed as Permitted Development. As such there would be no cause to refuse it.

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 -**

- There are no properties directly opposite the front of the site.
- No.467 Walshaw Road to the east is on the opposite side of Brookthorpe Road and there would be around 15m from the side of the two storey extension to the side of this property. This distance would be acceptable in terms of SPD 6.
- The only change to the rear elevation would be the introduction of the single storey extension. As this would be over 12m from the rear boundary it would satisfy the requirements as set out in SPD 6.
- The single storey rear extension would be set well in from both side boundaries.
- There would be no changes to existing windows to both side elevations.
- The new bay window to the ground floor of the front elevation would only have views over the highway in front and open fields on the opposite side.
- The proposed two storey front extension would be set back from the front boundary by around 7m. Views from the extension would be over the highway and fields only.
- The proposed extended driveway access with sliding gate would not have any significant detrimental impact on the 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 4 to 5 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 3 parking spaces. The site as existing has an area at the front/side of the property for parking 4 vehicles, plus the detached garage and this would remain following the extensions being built. The area is also high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

**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 drawings numbered WSR-RALA-ZZ-XX-DR-(PL)-0000, WSR-RALA-ZZ-XX-DR-(PL)-0001, WSR-RALA-ZZ-XX-DR-(PL)-0002, WSR-RALA-ZZ-XX-DR-(PL)-0003 Rev.P02, WSR-RALA-ZZ-XX-DR-(PL)-0004 Rev.P01 and WSR-RALA-ZZ-XX-DR-(PL)-0005 received on 06/09/2023 and drawing numbered WSR-RALA-ZZ-XX-DR-(PL)-0006 Rev.P01 received on 24/10/2023 as modified by the email from Miss Rachel Baldwin dated 24/10/2023. 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.
- 4 Prior to the occupation of the extension hereby approved the amended access and parking arrangements indicated on the approved plans, incorporating the extension of the existing footway crossing, demarcation of the limits of the adopted highway and any associated remedial works required to reinstate the footway to its former condition prior to commencement of the development and partial removal of the boundary wall, shall be implemented to the satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.  
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
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**DELEGATED REPORT**

AU - 31/10/2023

DM 06/11/23