

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/01/2025	Ref: 71238/FUL
Registration: 17/10/2024	LDfC: 13/11/2024	Expiry Date: 12/12/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor front/side extension

Location: 11 Wigglesworth Close, Lowercroft, Bury, BL8 3PB

Description

The property is a detached house located in Wigglesworth Close, a residential area with similar style detached dwellings. The site has a drive and a large, attached garage to the front along with a garden to the rear. The site shares boundary with No. 13 Wigglesworth Close (West) and Nos 2,4,6 & 8 Whitecroft Drive to the East. There are no properties directly to the front and rear.

Planning permission is sought for the erection of first floor side extension. The extension would be constructed above the existing garage and would follow the footprint of the existing garage. The extension would accommodate bedroom with en suite bathroom along with additional bathroom. The development would have pitched roof and utilise the use of matching materials.

Relevant Planning History

60119 - Certificate of lawfulness for a proposed single storey side and rear extension - Lawful Development 27/06/2016

Publicity

Neighbour letters sent. Two objections received.

Comment

The received comments concerns the side windows of the proposed extension. They believe these windows would cause privacy implications that would effectively over look the adjacent properties along the shared side boundary.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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, 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

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.

SPD 6 states that generally there will be a presumption against large extensions to the front of dwellings due to the need to protect the street scene. The immediate street scene is depicted by similar modern dwellings with single storey garages. The proposed first floor extension would be constructed above the existing garage whilst not projecting beyond its footprint.

In this instance it is considered that the proposed first floor extension would not overly dominant the street scene or the original dwelling. its design would be in keeping with the

character of the original dwelling and the street scene. In fact, the proposed extension would have a pitched roof replicating the shape and style of the original dwelling. The extension would also appear subservient to the host property as the proposed roof would have a lower ridge height than the original roof. The proposed windows would be considered to be suitably aligned and the use of matching materials would also be appropriate.

Therefore, it would not be detrimental to the visual amenity of the area and as such, would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity

There are properties directly to the front and rear of the site and the extension would have no impact on the adjacent property (No.13 Wigglesworth Close) as the development would be situated on opposite side of the shared boundary with this property. On the opposite side, the site shares side boundary with Nos 2,4,6 & 8 Whitecroft Drive and the extension would run along this boundary. Furthermore, there would be proposed side windows that would be directly overlooking the gardens of these properties. However, all the proposed side windows facing the above neighbours would be conditioned to be obscure glazed but the two bedroom side windows would also be non-opening obscured glazing windows with minimum level 3 obscurity. They shall be permanently retained in that condition thereafter.

Overall, the position of the proposed extension, in relation to adjacent residential properties would be acceptable. The development would therefore comply with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

Response to Objections

The report have addressed the concerns of the objecting parties. The concerning comments are valid. However, all the proposed side windows facing Nos 2,4,6 & 8 Whitecroft Drive would be conditioned to be fully obscure glazed. This would mitigate the concerns of the objecting parties.

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 Dwg No. 1, Dwg No. 2, Dwg No. 3, Dwg No. 4, Dwg No. 5, Dwg No. 6, Dwg No. 7, Dwg No. 8, Dwg No. 9 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 Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 3 Notwithstanding the approved plans, before the first occupation of the extension hereby permitted, the high level first floor side windows on the south-east elevation shall be fitted with obscured glazing (minimum level 3 obscurity). The two bedroom windows shall also be non opening and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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>
MW	08/01/2025	HL -	10/01/2024