

DELEGATED REPORT

Report by Amanda

Date of report: 13/02/2025

Ref:71415/FUL

Uhunmwagho

Registration: 13/01/2025

LDfC: 05/02/2025

Expiry Date: 10/03/2025

Site Visit: 29/01/2025

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 7 Palmerston Close, Ramsbottom, Bury, BL0 9YN

Description

The application relates to a two storey detached property which has a conservatory and a small single storey extension to the rear, and there is a lean to timber shed to the east side elevation. As the front of the site is completely paved there is existing on site parking for upto 3 vehicles. To the rear there is a small paved area and decked patio and garden area along with a small pond. There are fences to all boundaries with some planting to both sides of each boundary.

The proposal is to remove the existing conservatory and build a single storey timber extension which would house a swim spa and shower room. The structure would project a maximum of 6500mm from the original rear elevation and it would measure 7214mm wide. it would have a mono-pitched roof. It would have timber cladding to all elevations and to the rear there would be clear perspex and glazed doors. The roof would be constructed using EZ glaze polycarbonate. The existing single storey rear extension would remain.

Relevant Planning History

70255 - Single storey rear extension - Approve with Conditions 26/01/2024

Publicity

As with the applicant's previous proposal (70255), we do not object to the planning application (71415) in principle. However, we have concerns about the latest proposed structure's ability to contain noise generated by the "swim spa" and whether the device will cause ground vibrations when running.

The previous application had a pool within a much more substantially constructed room, thus obviating noise nuisance.

We can see nothing in the current planning application which states the noise levels or vibrations generated by the "swim spa" and so are concerned that, with only a timber and Perspex structure surrounding it, it will be a nuisance in what is a quiet residential area.

Statutory/Non-Statutory Consultations

Borough Engineer - Drainage Section - No comments received.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

Although the design of the extension is not ideal in terms of the proposed materials to be used, it would be located on the rear of the dwelling with limited visibility from neighbouring rear gardens. It is also taken into consideration that the applicant could build a single storey extension with a similar design projecting 4000mm from the original rear elevation under PD rules, or possibly 8000mm under the Larger Homes Scheme, where neighbours do not object. As such 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 distance from the extension to the rear boundary would be acceptable in terms of SPD 6.
- The existing fence along the shared boundary with no.5 Palmerston Close to the east of site would screen most of the views of the structure when viewed from no.5. There is also a shed at no.5 adjacent to the shared boundary.
- The extension would be around 3000mm away from the shared boundary with no.5 and as the boundary is angled the distance from the rear of the extension would be further away from the east side boundary.
- There would be no windows in either side elevation of the structure.
- On the west side there would be around 3700mm to the shared boundary with no.9 Palmerston Close. This distance would be acceptable in terms of SPD 6.
- The noise output levels from the swim spa pumps would be no more than 25 decibels. This would be within acceptable limits in terms of noise.

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

Swim Spa -

The applicant has sent an email from the supplier of the swim spa which advises that as they use a blanket layer of insulation around the plumbing and pumps, it will act as an acoustic barrier, along side a final layer of insulation wrapping on the inside cabinet, resulting in the noise level being brought down to a maximum of 25 decibels. This would be acceptable as it would be below the maximum limit of 42 decibels.

Response to neighbour comment -

The neighbour has not objected to the proposal, but they did advise they have concerns about the amount of noise generated by the swim spa and whether the device would cause ground vibrations when running. They commented that the previous proposal for a pool would have been housed in a more substantial structure which would have alleviated any noise nuisance. They are concerned that because there would only be a timber/perspex structure it would be a nuisance in a quiet residential area.

It has been taken into consideration that the applicant could build a single storey extension of upto 4000mm, with a smaller swim spa without the need to apply for planning permission. They could also put a hot tub in the garden without any protective structure, which would create some kind of noise when in use. In addition the supplier of the swim spa has advised that with all the relevant insulation the noise output level would be no more than 25 decibels. As this would be within acceptable limits in terms of noise, there would be no reason to refuse the proposal.

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 6972-L01, 6972-E01, 6972-S01, 6972-S02B and 6972-P01D 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 proposal hereby approved shall be vertical timber cladding (or equivalent composite cladding) and Perspex walls fixed to timber frame and an EZ Glaze Polycarbonate roof system as stated on the application form and the approved drawings.
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 - 13/02/2025		DM - 21/02/2025	