

DELEGATED REPORT

Report by Jane Langan	Date of report: 24/08/2023	Ref: 69872/FUL
Registration: 24/07/2023	LDfC: 14/08/2023	Expiry Date: 18/09/2023
Site Visit: 01/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Extension at side and loft conversion with rear dormer and rooflights at front;
Formation of new entrance with steps to front elevation

Location: 309 Walshaw Road, Bury, BL8 1PX

Description

The property is a semi detached bungalow. It has garden to the front and a drive along the side leading to a detached garage. To the rear is a fenced garden and beyond the rear boundary is the rear gardens to 21 & 23 Chiltern Drive. The adjoining neighbour is No.311 and to the rear has its main window to the party wall side. To the opposite side No.307 is a two storey semi detached house. It has a pedestrian path along the side and hedges run along the shared boundary.

The application includes an extension at the side coming out 2.7m and extending from the front to rear elevation. The entrance would be relocated from the side to the front of the property and with steps out projecting 1m deep. To the rear a flat roofed dormer would be added to the existing and new roof slope. The extensions would form a bedroom and extended kitchen/dining area at ground floor. As existing there is a bedroom within the roof space and the rear dormer would add a further 2 bedrooms and an office.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

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.

Visual amenity and design - The proposed side extension would have a pitched roof extending out from the main ridge and forming a side gable wall. The entrance would be relocated to the front and steps out with a balustrade would provide access down. Materials would be off white render and roof tiles to match. Located to the rear the dormer would not be visible from the main street view. It would be flat roofed, set just below the ridge and back from the rear wall, and 0.5m in from each side. The walls would be tile hung to match the main roof.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 4 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 a drive at the side that can accommodate this. With the proposal to construct a side extension on part of the drive the application includes the provision of a replacement space in the front garden surfaced in porous/permeable materials. The remaining drive length to the front of the extension would be 6.1m which would be sufficient and the existing

vehicular access retained. The second space would be angled and within the surfaced garden area. The area has on street parking and there is public transport available. In this instance then the proposed parking with 2 spaces is considered acceptable. A condition is added for the implementation of the parking arrangements.

Residential amenity - The proposed side extension would be adjacent to No.307 which is a two storey property and its rear elevation is set back from the site. The side elevation of the proposal would be blank wall. Where it would project past the rear of 307, with the roof slope including the dormer, it would be less than 3m from the rear of this neighbouring property. In addition 307 has its principle rear windows to the party wall side and there would be no encroachment over the 45 degree line from the mid point of these windows or the closest to the site which is at first floor.

There would be a distance in excess of 7m, at approximately 12.2-12.8m, from the first floor bedroom windows in the dormer to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 ZT23-196-01, ZT23-196-02, ZT23-196-03, ZT23-196-04, ZT23-196-07 received 08/08/23 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 listed.
- 3 Prior to the occupation of the extension hereby approved the car parking arrangements, as indicated on approved plan ZT23-196-07 received 08/08/23, shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To ensure adequate parking arrangements pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

DELEGATED REPORT

<u>Case Officer</u> JL	<u>Date</u> 24/08/23	<u>Sign off Officer</u> DM	<u>Date</u> 25/08/23
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