

DELEGATED REPORT

Report by Amanda

Date of report: 13/09/2023

Ref:69928/FUL

Uhunmwagho

Registration: 24/07/2023

LDfC: 01/09/2023

Expiry Date: 18/09/2023

Site Visit: 07/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of rear conservatory and Erection of rear/side single storey extension

Location: 51 Kensington Drive, Bury, BL8 2DE

Description

Planning permission was granted at this property for an almost identical development in November 2022. The only difference between the two proposals is the projection of the single storey rear extension.

The application relates to a two storey semi detached house with a small open plan front garden with parking to the front for two vehicles. There is a drive way to the side and detached garage to the rear garden. The rear garden has fences to all sides. The conservatory has been removed.

The proposal is to demolish the existing conservatory and build a single storey extension to the side/rear of the main dwelling. At the rear it would project 3.5m from the original rear elevation and it would measure 7.8m wide. Along the side it would measure 6.5m in length and would project 1.5m from the side elevation. The roof would be pitched with two rooflights to the rear and one to the front.

Relevant Planning History

68828 - Demolition of rear conservatory and Erection of rear/side single storey extension - Approve with Conditions 18/11/2022

Publicity

4 neighbours notified on 10/08/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The extension would be set well back from the front elevation of the main dwelling. As such it would not appear intrusive in the existing streetscene. It would be built with materials and a design that would be considered to be in keeping with the existing building.

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 would be around 8.5m from the rear of the extension to the rear boundary. This distance would be more than sufficient in terms of what is stated in SPD 6.
- Properties to the rear would be over 20m from the rear of the extension and there is a boundary fence separating the properties.
- At the rear the extension would project 3.5m along the shared boundary with 53 Kensington Drive (attached) and there would be no windows in the side elevation adjacent to the shared boundary. It is noted that the neighbour has not objected to the proposal. As such the projection of 3.5m along the shared boundary would be acceptable in terms of the larger homes scheme.
- There would be no windows in the side elevation adjacent with the north west boundary with no.49 next door and there would be a gap of around 800mm from the side elevation to the shared boundary with this property. As there is a drive way next to the shared boundary at this property and the nearest window is a kitchen the 3.5m projection to the rear would not have any significant detrimental effect on residential amenity at this property.
- 49 Kensington Drive has a slightly higher ground level to that on site and there are no habitable room windows on the side elevation.
- With regard to SPD 6, properties to the front of site would be more than a sufficient distance from where the proposed extension would be built.
- The introduction of a side extension would block access to the existing garage at the rear. However, the two parking spaces to the front of the site would remain.

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 parking arrangements would remain as existing where there is parking to the front of the site.

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 B/HJ/JJ/51KEN/1, B/HJ/JJ/51KEN/2 and B/HJ/JJ/51KEN/3 received on 13/09/2023 as modified by the email from Harry Jackson Surveyors Ltd dated 13/09/2023. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 13/09/2023		HL	14/09/23