

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/01/2022	Ref: 67757/FUL
Registration: 04/11/2021	LDfC: 20/01/2022	Expiry Date: 30/12/2021
Site Visit: 09/12/2021	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension; Two storey/single storey rear extension

Location: 13 Apollo Avenue, Bury, BL9 8HG

Description

The property is a two storey semi detached house. It sits at a higher level to the footpath with steps up to a front porch. To the side is a drive and gates to the side of the house. A path runs along to the rear the garden which is at a raised level from the house and has been fully paved. The rear elevation of the house is extended single storey the full width. The adjoining semi is No.15 and has its main rear windows to the party wall side. The unattached semi No.11 is slightly lower and fencing separates along the shared boundary. To the rear the site borders the rear gardens to 19 & 21 Collinwood Close.

The application includes a two storey extension coming out 2m at the side. It would run along and at a point 1m past the rear elevation would be angled across for 2.3m then extending across a further 4m to form a 3.3m deep two storey rear. At the rear the ground floor would be 5m deep across the existing and extended rear elevation. The extensions would form an extended kitchen, dining room and wc and with two additional bedrooms with ensembles at first floor.

Relevant Planning History

45785 - Lawful development certificate for proposed single storey extension at rear - Lawful Development 17/02/2006.

Publicity

Surrounding neighbours were notified by letter on 16/11/21. A 7 day letter was sent to No.15 13/01/22 regarding a minor alteration to the roof design to the single storey at the rear. One response has been received from a nearby neighbour their concerns in summary are :-

- Back doors face each other. Extension planned will be extremely close causing loss of sunlight and shadowing.
- Will invade already limited privacy by being so close and also overlook my property

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 be built to the boundary and the proposal has been amended to include a 1.5m set back to the first floor front in order to prevent the potential for terracing.

The proposed roof at the front would be of a hipped design set below the main ridge. It would extend along the side and the two/single storey at the rear would also be of a hipped design. Whilst the angled design would be unusual it would not be visible from the main street view. Materials would be to match the existing.

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 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 a drive to the front providing one space and a drive of 5.3m in length would be retained. There would then be no loss of parking however there does not appear to be potential for any further space. The area has on street parking and there is public transport available. It is not considered that there are grounds for refusal with regard to the parking arrangements.

Residential amenity - In relation to the adjoining No.15, where two storey the proposal would be set in from the boundary 1.7m. It would marginally encroach the 45 degree line at a point 1m out along the boundary by around 0.3m. Located to the north side of No.15 it would not cause any significant loss of light or overshadowing. The proposed ground floor would project 5m deep along the shared boundary and with regard to the 45 degree line then, due to the proximity of the closest window to No.15, the 45 degree line would be encroached at a point less than the 3m which SPD6 considers acceptable and is generally permitted development. Located to the north side the development would not significantly impact on light to the windows or garden to No.15. A material consideration is also the 'larger homes scheme' which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received from No.15 in this case. As such it is not considered there are any justified grounds for refusal.

To the opposite side to the unattached No.11 the proposed two storey would run along the side and due to the angled design would not encroach a 45 degree line from the mid point of the principle windows to the rear which are located to the party wall side. This would also be the case for the single storey. As such there would be no significant loss of light or overshadowing to the windows to this main aspect. There would be two windows to the side elevation of the proposal, both at first floor to bathrooms. A condition is added for them to be obscure glazed and therefore they would not cause any loss of privacy to No.11.

There would be a distance in excess of 7m from the proposed first floor window 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.

Response to objection - The issues regarding loss of light and privacy are addressed in the above report.

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:

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- 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 SHT 1 of 2, SHT 2 of 2 Rev B 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 Before the first occupation of the extension hereby permitted the bathroom windows to the first floor north side elevation shall be fitted with obscured glazing 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>
JL	21/01/22		