

DELEGATED REPORT

Report by Amanda

Date of report: 08/11/2023

Ref:70042/FUL

Uhunmwagho

Registration: 06/09/2023

LDFC: 28/09/2023

Expiry Date: 01/11/2023

Site Visit: 27/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; Alterations to parking provision at front

Location: 4 Est Bank Road, Ramsbottom, Bury, BL0 9RA

Description

The application relates to a two storey semi-detached property in a row of 3 pairs of semis facing Woodhey High School. Rear gardens back on to properties on Bolton Road West. At the front of the property is an unadopted access road used only by the residents of Est Bank Road and there is no through road.

There is a sub-standard length driveway to the front of the site along with a small garden area which is currently hardstanding with some potted plants. There is a car port attached to the side of the property but any vehicular access is blocked by a fence panel and pedestrian gate only. At the rear there is a fully paved yard area with fences to all boundaries and there is a detached outbuilding and small shed to the rear.

The proposal is to build a two storey side extension along with alterations to the parking at the front of the site. The drawings show that the side extension would project around 2.08m from the existing side elevation and at ground floor level it would be built flush to the front and rear elevations of the original dwelling. The floor plans show that the side elevation would be around 184mm away from the shared boundary with no. 6 Est Bank Road next door. The roof at ground floor level would be pitched to the front and it would run into a canopy across the front elevation projecting around 815mm forward of the existing front elevation.

The first floor level would be flush with the rear elevation but set back from the front by 1.45m. There would be a small bay window to the front at first floor level projecting around 745mm from the main wall and measuring 1.1m wide. It would be set back from the main front elevation by around 700mm and in from the side elevation by 400mm (around 584mm away from the shared boundary with no.6). The walls would be finished with facing brick and render and the roof would have concrete tiles.

Also to the front the ground would be levelled so that a parking space would be created across the front of the dwelling.

Relevant Planning History

N/A

Publicity

6 neighbours notified on 07/09/2023 - One objection was received giving the following reasons of objection;

- Whilst not fully objecting to the building of an extension at number 4 do have an

- objection regarding the distance from my garage wall.
- I have been told by my neighbour at number 4 from her architect that the extension will be built 4 inches from my garage wall and I have to remove the guttering as this protrudes onto their boundary. The guttering protrudes the standard 6 inches and is part of the original garage build which was constructed over 45 years ago.
- I therefore will not be removing the guttering as this is designed to remove any excess water from the roof to the drain. I would expect the new extension to be built 6 inches from the garage wall. This would allow any future maintenance to the guttering.

Following receipt of revised drawings a phone conversation was had with the objector on 27/10/2023 advising what the revisions are and the revised drawing was emailed to them on 30/10/2023 - No comments regarding the revised drawings have been received from the objector.

Statutory/Non-Statutory Consultations

Traffic Section - The Highways officer has advised that an informative be added to the decision.

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 finished with a design and materials that would be considered to be in keeping with the existing building.

At the front the main part of the first floor would be set back from the existing front elevation by 1.45m. There would also be a small bay window installed with a pitched roof at first floor level which would be set back from the front elevation.

The first floor level bay window would be set back from the main front elevation by around 700mm, set in from the side boundary by around 584mm and it would only be visible when stood directly in front of the property. Taking this into account along the proposed small bay window to the front would not be considered significantly detrimental enough in terms of visual amenity to warrant refusal in this particular location.

Although the bay window wouldn't be set back from the existing front elevation enough in order to satisfy the requirements, as set out in SPD 6, it would be set back around 700mm from the from the existing front elevation with the two main part of the two storey extension being set back by 1.45m. Considering the property is part of a short row of semi-detached properties the lesser set back would be considered acceptable in this location and terracing wouldn't be a concern even if the adjacent neighbour was to extend in a similar way in the future.

The design of the proposal is considered acceptable in this location and the proposed set back at first floor level from the original front elevation means the proposal is considered acceptable in terms of 'terracing' and the effect on the streetscene. As such 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 -

- At the rear there would be around 6.1m from the rear elevation of the extension to the rear boundary. SPD 6 usually requires at least 7m from a first floor habitable room window to a boundary but given the new first floor window would be an obscurely glazed bathroom window the sub-standard distance of 6.1m would be acceptable in this instance.
- There would be no windows in the side elevation adjacent to the shared boundary with

no.6 Est Bank Road.

- The drawings show that the side elevation of the extension would be around 184mm away from the shared boundary with no.6 ensuring that there would be no encroachment.
- As the first floor of the two storey side extension would be set back compared to the front elevation of no.6 it is considered that it would not have any significant detrimental impact on residential amenity at the front of no.6 Est Bank Road.
- The first floor window to the front would be to a bedroom and there would be around 4.4m to the front boundary. As there is an unadopted road to the front and the site overlooks Woodhey High School only, this distance would be acceptable in this instance.
- At the front there would be around 3.77m from the front of the extension to the front boundary. Normally a drive length of at least 5m would be expected to the front of an extension in order to maintain highway safety. However as the side of the property is already fenced off from the front of the site the drive length directly to the front would not be any different. Given that the applicant could build a single storey side extension flush to the front elevation of the existing dwelling it wouldn't be reasonable to refuse the proposal on these grounds.
- In order to create a parking space within the site the applicant intends to level out the hardstanding to the front to create a single parking space across the front of the property. Whilst this isn't ideal it would ensure that one vehicle would be parked safely off the highway in front. It is also noted that the applicant could undertake works to the driveway under Permitted Development rules.
- As the extension would be built on the southern side of the dwelling it would not have any significant detrimental impact on residential amenity at no.2 to the north.
- A canopy would be erected across the front elevation. It would project around 800mm forward of the existing front elevation. As this is only a canopy, with no walls it would not have any significant detrimental effect on residential amenity at no.2 Est Bank Road.

Taking the above into account 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.

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 an sub-standard length driveway at the front. Most of the driveways to the properties along Est Bank Road have existing sub-standard drive lengths, accessed from an unadopted road.

The applicant currently parks their vehicle at a right angle to the road in front resulting in overhanging on to the highway in front. The proposal shows that the area to the front of the dwelling would be levelled so that a parking space would be provided across the front of the dwelling. Although this is not ideal it would mean that one vehicle could be parked safely within the site and a second vehicle could be parked on the highway to the front of site. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The neighbour's objection has been addressed by the receipt of revised drawings which show that the extension would be built wholly within the site.

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:

- 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 drawing numbered 2239-111A received on 07/10/2023 and drawing numbered 2239-110E received on 08/11/2023 as modified by the emails from Grays Architecture Ltd dated 07/10/2023 and 08/11/2023. 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.
- 4 Before the first occupation of the extension hereby permitted the first floor en-suite window to the rear 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.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 08/11/2023			