

DELEGATED REPORT

Report by Mo Warsame	Date of report: 29/08/2024	Ref: 70863/FUL
Registration: 08/07/2024	LDFC: 01/08/2024	Expiry Date: 02/09/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey / two storey rear extensions; first floor balcony at side; dormer window at rear and external alterations

Location: 2 Bentley Meadows, Walshaw, Bury, BL8 3GL

Description

Located just outside of a Green Belt, the application site is part of the Bentley Meadows development at High Street, Walshaw which comprises of detached dwellings, with associated access road, private gardens and landscaped areas. There are no properties to the rear of the site and No.1 and No.3 Bentley Meadows are the adjacent houses on either side.

Planning permission is sought for part single storey, part two storey rear extensions, first floor balcony at side and dormer window at rear along with external alterations.

The single storey rear element would project 4 metres to the rear and run the entire width of the property. The two-storey rear element would have the same projection (4 metres) to the rear but would only run half the width of the dwelling (5.7 metres). The remaining space on the first floor would be the balcony area. The proposed dormer to the rear would have a pitched roof to replicate the shape of the existing dormers the other part of the development would also have pitched roof. However, this dormer would be 150mm above the main roof. The development would be constructed using matching materials and would accommodate an open plan kitchen/diner/living area on the ground floor, bedroom extension with balcony on the first-floor and bathroom on the second floor via the proposed dormer.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed part single, part storey rear extension in design terms, would be in keeping with the existing dwelling and would not appear incongruous within the streetscape. The proposed balcony would also be a modest structure with sufficient setback from the adjacent properties. Furthermore, the balcony would be conditioned to have a 1.7m screen

on the side facing the adjacent neighbour (No.1). The proposed rear dormer, whilst not ideal would be 150mm above the main roof. However, this is minimal and would be hardly visible from the street scene in front. Therefore, there would be no detrimental impact on the street scene. Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there would be there would be sufficient distance to the rear boundary and no properties beyond.
- There would be no proposed side windows except for the proposed bedroom window from the principal bedroom. However, this window along with the proposed balcony would be screened by a 1.7m high obscure glazed balustrade system. A condition would be put in place to make sure that this is complied with.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. Considering the Larger Homes Scheme and the fact that the adjacent neighbour has not objected to this application, the proposed projection of 4m to the rear would be considered acceptable.
- The proposed two storey rear element would have a modest projection (4m) and would be sufficiently setback from each of the shared side boundary. As such, the 45-degree rule would not be encroached. Additionally, the extension would not have proposed side windows facing the adjacent neighbour (No.3). The proposed window on the opposite side would be screened by the 1.7m high obscure glazed balustrade mentioned above.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal will result in no additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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.

DELEGATED REPORT

- 2 This decision relates to drawings numbered Dwg. no. 000 Rev. A, Dwg. no. 001 Rev. A, Dwg. no. 002 Rev. A, Dwg. no. 003 Rev. A, Dwg. no. 004 Rev. A 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 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 a 1.7-metre-high obscure glazed privacy screen serving the balcony located at the first floor above the proposed single storey extension shall be installed to the side closest to the boundary with the adjacent neighbouring property at No.1 Bentley Meadows. Once installed, the privacy screen shall remain in place whilst it serves the development approved and thereafter maintained.

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>
MW	29/08/2024	DM	30/08/24