

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 24/01/2022

Ref:67642/FUL

Registration: 12/11/2021

LDfC: 06/12/2021

Expiry Date: 07/01/2022

Site Visit: 19/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension with bi - folding doors; First floor extension with balustrade balcony

Location: 48 Woodhey Road, Ramsbottom, Bury, BL0 9RB

Description

The application relates to a two-storey detached house on a residential cul-de-sac of large detached dwellings. The neighbour to the west has a matching rear building line and the neighbour on the other side is set forwards slightly by about 2.25m. There is a large south facing garden with a separation of 15.5m to the rear boundary. Beyond the rear there is a stream and very extensive trees and shrubs which forms part of the Pot Green, Holcombe Brook Conservation Area (no overlap with this site).

Planning permission is sought for a part two-storey, part single storey extension. The two-storey section would be at the south-east corner of the property and project out by 2.34m matching the existing two-storey building line.

The single storey section would match the full width of the existing dwelling and project out from the existing rear building line by 3.5m with a monopitch roof plus a balcony above at the eastern end. It would be finished in a rendered look with tiles roof to match existing, plus upvc windows and hardwood doors.

At the front there would be some modifications including a new enlarged bedroom window, one minor door being replaced with a small window, and a new porch at the main entrance that would project out by 1.8m.

There would be a separation of approximately 12m to the rear boundary.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 15/11/2021 sent to 2 (two) neighbours on Woodhey Road. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL5/2	Development in River Valleys

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.

Development in River Valleys – Policy OL5/2 states that Within the River Valleys, new buildings will not be permitted, exceptions considered acceptable where the area does not form part of the Green Belt includes development that represents limited infilling to an established valley settlement area of linear development. As such it is considered that this extension represents limited infilling and is therefore acceptable with regard to UDP Policy OL5/2.

Visual amenity - In terms of design and appearance the extension is broadly in-keeping with the existing house. Situated largely at the rear, the extension would not be readily visible from the public arena with the exception of the new porch and relatively minor changes to the front elevation which are considered to be acceptable. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 12m separation distance to the rear boundary from the extension is considered to be acceptable. With regard to the proposed balcony at the east end the neighbours existing rear building line is set forwards, with the proposal being further mitigated by using opaque glazing (not transparent) and hence limit overlooking of the neighbour at Nr.50 plus, and therefore complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact as viewed from the conservation area to the south.

The extension is acceptable in relation to the both the unattached neighbours as it complies with the '45-degree rule' within SPD6. Overlooking to this neighbour is minimized by siting of the extension broadly within the existing building line and the balcony proposed will have opaque glazing.

In terms of the general prominence and impact on daylight the extension is to the south of the existing dwelling and any overshadowing would not be seriously excessive above and beyond the existing situation. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would not affect the existing site access or parking arrangements above and beyond the current situation.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development which will provide additional internal family amenity space. Within the context of the River Valley this proposal represents a limited extension within an existing linear area of development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy OL5/2, and UDP Policy H2/3 plus associated guidance in SPD6.

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:

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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 JPP/ 2065_002, JPP/ 2065_003, JPP/ 2065_004 as submitted on 08/10/2021 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 at the first floor balcony the easternmost glazing panel shall be fitted with opaque/ 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>
Steven Gunn-Russell	24/01/2022		