

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/01/2022

Ref:67841/FUL

Registration: 26/11/2021

LDFC: 24/12/2021

Expiry Date: 21/01/2022

Site Visit: 10/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side and rear

Location: 25 Shepherds Close, Tottington, Bury, BL8 4BL

Description

The application relates to a bungalow house on a residential cul-de-sac of similar properties. The attached neighbour has a full width single storey extension at the rear and the neighbour on the other side has a small conservatory extension. The rear boundary has extensive trees and thick shrubs on the boundary, separated from the existing rear building line by 11.6m.

Planning permission is sought for a single-storey extension that would project out 4.92m at the rear and have a flat room, plus a side extension that would project 2.1m with a gable roof carried over from the existing roof. The front porch would be removed and replaced with a small hipped canopy. Materials would match existing. Along the side elevation there would be a new office window and ensuite bathroom window.

There would be a separation of 6.45m to the rear boundary.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 03/12/2021 sent to 5 (five) neighbours. One representation was received.

Concerns are summarised below:

- Loss of Light/Overshadowing
- The plan will block light to the second bedroom of my property.
- The small second window is south facing.
- The light and sunshine it affords would be badly missed.

Relevant concerns of the neighbours have been addressed in this report.

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

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 - In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the side and rear, the extension would be largely hidden from the public arena and the side extension would have a gable roof which is considered to be acceptable. Materials would match existing. 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 6.4m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to both neighbours as it complies with the '45-degree rule' within SPD6. In terms of overlooking, along the side elevation there would be a new high level office window and ensuite bathroom window. Given the situation the office window is considered to be a minor window and a condition will be included to require obscure glazing for the ensuite bathroom window.

In terms of the general prominence and impact on daylight the extension is entirely single storey and to the south of Nr.23. The extension would have some impact the rear garden (at Nr.23) in the midday/ afternoon, however any overshadowing would not be seriously excessive above and beyond the existing situation.

An objection has been received regarding the impact of the extension on the unattached neighbours secondary bedroom window in terms of overshadowing and loss of light. However given that this is a secondary bedroom window it therefore cannot be afforded significant weight in any assessment. The neighbours bathroom window (already obscured) on the side elevation also cannot be given a great deal of weight.

In this respect the extension would not have such a serious impact on the outlook from Nr.23 to warrant refusal. 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 parking arrangements above and beyond the recent approved planning permission as mentioned above.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and 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:

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.

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- 2 This decision relates to drawings numbered R-0672-02, R-0672-03, and R-0672-04 as submitted on 26/11/2021 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 the side windows at the ensuite bathroom 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>
Steven Gunn-Russell	18/01/2022		