

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 19/07/2022

Ref:68395/FUL

Registration: 02/05/2022

LDfC: 08/06/2022

Expiry Date: 27/06/2022

Site Visit: 15/06/2022

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 side/rear extension

Location: 21 Throstle Grove, Bury, BL8 1EB

Description

The application relates to a two-storey semi-detached house on a residential street. There is an existing rear conservatory extension that projects out by 4.25m plus a small utility room extension. At the rear a detached double garage is currently under construction (Approved in 66628). The property is attached to No.23 on the western side and on the eastern boundary is 'Two Trees' (No.19), a detached dwelling which has a substantial setback position. The rear boundary of the site abuts that of No.36 Tamworth Drive to the southwest. To the side is an existing driveway 21m long and which extends towards the rear of the property.

Planning permission is sought for a single-storey rear extension that would project out 4.0m and accommodate a new kitchen-diner. The side extension would project out by between 1.75m to 2.53m from the side elevation of the main house but retain a gap of 2.4m for the long driveway. There would be a monopitch roof wrapped around both sections of the single storey extension. Materials would match existing plus patio doors to the rear. There would be a separation of 7.1m to the rear boundary, although there is no boundary treatment proposed.

Relevant Planning History

66628 - Single storey detached double garage at rear - Approve with Conditions
30/04/2021

Publicity

Immediate neighbours notified by letter dated 18/05/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Highways - No objection subject to storage of construction materials off the highway.

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
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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

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.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. Situated at the rear, the proposed extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property. Situated at the side, the proposed extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing and there would be a monopitch roof plus patio doors opening out across the rear garden which is considered to be acceptable.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

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

The proposed extension would not project out by 4.0m from the existing building line, which would be in excess of 3m, beyond which the 45-degree rule would apply. The 45-degree line would clip the corner of the extension by 35cm. However, in terms of projection the proposed extension would be slightly smaller than the existing conservatory and would therefore have a smaller impact than the existing situation. No objections were received. It is therefore considered that the proposed extension would be acceptable in relation to the attached neighbour.

There are no new side windows proposed except for a small non-habitable utility room window.

In terms of the general prominence and impact on daylight the proposed single storey extension would be set 28cm off the shared side boundary and to the east of No.23. The proposed extension would have an impact on part of the that neighbours rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation. The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed other than a partial reduction of driveway width alongside the side extension. The driveway length would remain the same length at 21m, and the rear garage (currently under construction) would remain accessible.

Highways has stated no objection subject to storage of construction materials off the highway. However, as this property is not on a main road or close to a junction this condition is not considered necessary. Overall, the proposed side extension 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 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 Local Planning Authority worked positively and proactively with the applicant to identify

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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 drawings numbered 22/693/02 and 22/693/03 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	19/07/2022		