

DELEGATED REPORT

Report by Helen

Goldsbrough

Date of report: 16/11/2020

Ref:66061/FUL

Registration: 13/10/2020

LDfC: 13/11/2020

Expiry Date: 08/12/2020

Site Visit: 22/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: New front porch; single storey rear extension; two storey rear and side extension and external alterations including render to elevations

Location: 4 Kensington Drive, Bury, BL8 2DE

Description

The application relates to a two storey, detached dwelling located on Kensington Drive. The premises has parking to the front, that leads to an integral single storey garage that projects to the front of the principal elevation of the dwelling. An area of private residential amenity space is located to the rear of the dwelling.

Planning permission is sought for the construction of a single storey rear extension that projects approximately 3027mm from the rear of the original dwelling. A two storey wrap around side/rear extension is also proposed that projects approximately 3027mm to the rear of the dwelling, and approximately 3005mm to the side of the dwelling. To the front it is proposed to construct a single storey porch extension that projects approximately 1487mm. The proposal also shows render to the front and rear elevations of the existing property.

Relevant Planning History

None

Publicity

Neighbour letter sent 16/10/2020 and 23/10/2020/ No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary 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) 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 victimization;

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

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.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance the proposal does not include a 1.5 metre set back, or gap to the boundary however the property is set at an angle when compared with No. 6. Due to this relationship should this property extend at two storey in the future it would still be possible to view the two dwellings separately. As such it is considered that the proposal would not lead to the uncharacteristic linking up of dwellings and therefore complies with the intentions of SPD 6.

The proposed side and rear extensions, and front porch extension would have pitched, gable roofs replicating the shape and style of the original dwelling. The proposed lean to style roof of the single storey rear extension is considered to be acceptable. The proposed window and door openings are considered to be suitably aligned and the proposed porch extension would not project excessively from the front elevation. It is considered that the overall proposal is of a suitable scale and massing and would not result in over development of the associated residential amenity space. There are a number of different

building materials visible within the immediate street scene, including render, and as such the use of render to the front and rear walls is considered to be acceptable.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Proposed rear ground floor windows would be screened by the existing rear boundary treatments and separated from the properties at the rear by a watercourse.
- Proposed first floor rear bedroom window would be located approximately 54 metres from the directly facing rear boundary exceeding the 7 metres required by SPD 6.
- Proposed side ground floor window facing towards No. 6 would relate to a non-habitable room (utility).
- No first floor side windows facing towards No. 6.
- No side windows facing towards No. 2
- Proposed front ground floor and first floor windows relate to non-habitable rooms (study and ensuite) and therefore aspects not applied.
- Proposed two storey side extension would not project beyond the front elevation of No. 6.
- Proposed two storey rear extension would project more than 1 metre beyond the rear of no. 6 but would not impact on a 45 degree line as taken from the 1 metre point on the boundary with this property and therefore complies with guidance as set out within SPD 6.
- Proposed two storey rear extension would project more than 1 metre beyond the rear of no. 2 but would not impact on a 45 degree line as taken from the 1 metre point on the boundary with this property and therefore complies with guidance as set out within SPD 6.
- No. 2 has an existing single storey rear extension. The proposed single storey rear extension would project approximately 5.8 metres beyond the rear of No.2 as extended. Whilst this exceeds the 3 metres set out in SPD 6 however it would not impact on a 45 degree line as taken from the nearest ground floor habitable room window of this property (excluding windows within the extension which are not protected). As such the proposal is considered to comply with SPD 6.
- Number of bedrooms at property not increased. Existing parking retained.

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.
- 2 This decision relates to drawings numbered 20-07.04 01. Rev A, 20-07.04 02., 20-07.04 03. Rev A, 20-07.04 04., 20-07.04 05. Rev A, 20-07.04.06., 20-07-04 07,

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20.07-04 08, 20.07-04.09., 20.07-04.10. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	16/11/2020	DM	02/12/2020