

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 13/12/2022 | <b>Ref:</b> 69010/FUL          |
| <b>Registration:</b> 20/10/2022 | <b>LDFC:</b> 25/11/2022           | <b>Expiry Date:</b> 15/12/2022 |
| <b>Site Visit:</b> 09/12/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two storey side extension

**Location:** 8 Orchid Drive, Bury, BL9 9EL

**Description**

The property is a two-storey semi-detached house which is mainly brick with render to the first floor of the front elevation. There are gardens to the front and rear of the main dwelling with a driveway to the side. Number 6 Orchid Drive, attached to the property on site is a similar style property. Number 10 Orchid Drive unattached to the south is also the same style property with a driveway adjacent to the site boundary. This property is built at an angle to the property on site and the ground level is higher to that on site. Houses to the front and rear are over 20m from the existing property.

Planning permission is sought for two-storey side extension. The two-storey extension would run a length of 5.4 metres to the rear and project a maximum of 3 metres to the side. The development would be setback from the rear elevation but not from the front elevation. The proposal would facilitate two bedrooms, one on each floor. The proposed development would have pitched roof with lower ridge height and utilise the use of matching materials.

**Relevant Planning History**

None.

**Publicity**

Neighbour letters sent on 04/11/2022. No objections received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions**

N/A

**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 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.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5 metres from the main frontage of the original dwelling. The proposed extension would not have a setback. However, in this instance due to a staggered building line together with the fact that the site is located on a bend, the proposed development would appear subservient to the main house. As such the proposal would therefore be generally acceptable within this location.

Situated to the side, the development would be visible from the street scene. However, the extension would not be a prominent feature in the street scene and would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The

proposed extension would be constructed with materials to match the existing. Furthermore, the proposed development would have pitched roof with lower ridge height. This would replicate the profile of the original and would appear subservient to the main house. 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**

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

- In terms of overlooking, the two-storey side extension would have no proposed side windows on either the ground floor or on the first floor.
- There would be over 20 metres to properties to the rear and there would be no properties in front as a highway separates the playing fields of Bury All Stars and the site. Therefore, there would be no serious impact on residential amenity.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

### **Parking**

The proposal will result in two additional bedrooms and there will be some changes to the driveway. However, the proposed parking conditions meets 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.
- 2 This decision relates to drawing numbers: 22/712/01, 22/712/02, 22/712/03 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 plus rendering as outlined in drawings submitted.  
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> |
| MW                  | 13/12/2022  |                         |             |