

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/07/2022	Ref: 68454/FUL
Registration: 13/05/2022	LDFC: 29/06/2022	Expiry Date: 08/07/2022
Site Visit: 06/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side; Part single/Part two storey extension at rear; Front porch

Location: 6 Almond Avenue, Bury, BL9 7LY

Description

The property is a two storey semi detached house. It has a garden to the front and there is no off street parking. A gap to the side of the house leads round to a fenced rear garden. The adjoining semi is No.4 and a mirror image to the rear. To the opposite side the unattached No.8 is also the same semi type. The site rear boundary borders a section of garden to 6 Alder Ave and across this 44 Craven Street.

The application includes a front porch 1.8m deep and 2.3m across. To the side a two storey extension would come out 1.5m set back 3.5m from the main front elevation. It would run for 5.8m of which 2.8m would project past the rear elevation for 5m across. The ground floor would project a further 1.5m deep for the full width of the property. The extensions would form a kitchen/dining room and laundry room with an additional bedroom bathroom at first floor.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour who confirms they are happy with the applicant making the improvements.

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 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 and design - To the front the proposed porch would have a dual pitched roof and at 1.8m deep it would not project excessively. The proposed side extension would have a monopitch roof and the set back from the front is such that it would not be readily visible along the street and terracing would not be an issue. To the rear the two storey would have a dual pitched roof and the single storey where deeper a hipped roof. Materials are noted to be brick and roof tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 2 to 3 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 2 parking spaces. The site has no off street parking as existing. To the front of the property are parking bays adjacent the footpath and therefore it is unlikely the applicant would be able to create any to its front garden. With the area having on street parking and public transport available it is not considered there are grounds for refusal with regard to the parking arrangements.

Residential amenity - In relation to the attached No.4 the proposal has been revised in order to comply with the criteria as set out in SPD6 for two storey rear extension in that it would not encroach a 45 degree line taken 1m out along the shared boundary. The single storey would extend 4.3m along the boundary. SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected. The proximity of the rear window to No.4 is such that the proposal would encroach the 45 degree line at a point less than 3m. A material consideration is the 'larger homes scheme' which can allow semi detached properties to extend up to 6m deep where there are no objections from neighbours. No representations have been made on this application. As such, for the reasons as stated, it is not considered that there are any justified grounds for refusal.

In relation to the unattached No.8 the two storey side would run adjacent the side of this property and with a ground floor window to the laundry room and a first floor window to the bathroom. A condition is added for the bathroom to be obscure glazed. Where the two storey would project past the rear elevation to No.8 it would not encroach the 45 degree line from the closest window to the rear elevation and the single storey rear only fractionally. The larger homes scheme permitted development fall back position is relevant to this neighbouring property also.

To the rear there would be a distance in excess of 7m from the proposed first floor window to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 SHT 1 of 2, SHT 2 of 2 Rev A 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 Before the first occupation of the extension hereby permitted the bathroom window to the first floor west side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

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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>
JL	27/07/22		