

Description

The property is a two storey semi detached house located on a corner plot at the junction with Redwing Road. It has a drive to the side that slopes down and leads to a detached garage. Alongside the drive is an open area of garden that abuts the footpath. To the rear the site is extended single storey and which adjoins a single storey to the same depth to the attached No. 47. From the back of the site extension is a patio and then a lawned garden at a lower level. Two timber fences separate the gardens between the site and No.47 and that to 47 is higher. To the rear the site is fenced and beyond this the two storey side elevation to 1 Redwing Road. This neighbouring property is at a lower level and its drive runs along the rear of the site garage and its side grassed area.

The application includes a single storey extension to the existing front elevation 1m deep to extend the lounge and entrance hall. To the side the existing detached garage would be removed and a two storey extension would come 4m, out at the side. The first floor would be set back 1m from the existing front elevation and run up to the existing first floor rear elevation. The ground floor would extend out to meet the existing extension at the rear. The proposed extension would form a store, extended kitchen with utility and shower room. At first floor would be an additional bedroom with ensuite.

To the rear the existing window to the dining room would be replaced with doors and, to allow level access out, the rear patio would be raised to 0.96m and extended out deeper by 1.67m. It would continue across to the rear of the new extension with steps down in the middle to the lower garden. To the shared boundary side a new wall would extend 1.9m high from the new patio level continuing to the end of the patio where the garden level would drop down and the wall would be 2-2.2m high.

To the side of the proposed extension would be a 2m wide path and a new boundary wall comprising of a brick wall with pillars and timber slat panels would run alongside the path and up to the end of the extended raised patio. A further section would run along the lower level of the rear garden and along then along the rear boundary. This first side section of the wall would be 1.69m to 3.8m in total height running to the end of the patio. At this point the wall would come out a further 1.25m at the side and run up to the rear boundary the height at 1.9m to 2.4m. The wall would continue round across the rear boundary up to and above the existing rear wall. Along this section the height would be 2.2m to 2.6m.

To the front the drive would be widened and surfaced in porous materials with the existing drop kerb retained.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 14/04/23. A further 21 day letter was sent 22/05/23 regarding the revised plans to show the raised patio and revisions to the boundary wall. No responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions for the parking arrangements and storage of materials.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 - The property is located on a prominent corner plot with an open side garden that slopes down to the footpath. The proposed extension would have a 2m wide path at the side and then there would be a further 3m-4m gap remaining to the footpath from the new wall.

The proposed front extension would not project excessively at 1m and have a monopitch roof. The two storey extension would have a pitched roof set below the existing ridge and the first floor front elevation would be set back by 1m. Materials would be brick to match the existing and the first floor front having render and quoin detail to the corner to match the existing. The roof would be tiled to match the existing.

The proposed boundary wall would be set in 4.3 - 3m from the boundary with the footpath and the plans note a hedge to be planted in this area. Due to the levels the boundary wall would see a 1.8m - 2.2m height of brick wall with a further 1.5m of timber slats above between pillars.

Whilst the proposed boundary wall would be high, in terms of an average boundary treatment for a domestic property, the levels are such that the site slopes down to the south. With the infill timber slats providing an open appearance, and given the set in from the footpath of 3m at the shortest point, it is not considered that the proposal would be out of character or an intrusive feature in the street. The addition of a boundary hedge would also provide some screening to the wall however it cannot be guaranteed that a hedge would remain.

In conclusion, the proposal overall is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 4 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 3 parking spaces. The site as existing has a drive to the front that would be widened and surfaced in porous materials. It would accommodate 2 vehicles and be 5.5m in length. The area also has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - To the adjoining No.47 would be the raised patio and new boundary wall with slat panels. The patio would extend out 4.8m at the rear and be 0.96m higher than that to No.47 and then with the addition of the 1.9m wall. Whilst this would see a wall of a height 2.89m to 3.39m adjacent the patio area to No.47 it would be no more overbearing than a single storey extension along the boundary. The site and this neighbouring property have rear gardens that slope down below the patio level and where the proposed wall would be 2-2.2m in height. The wall would provide screening from the raised patio and whilst the infill slats would have some visibility through there would be an improvement to privacy levels from the situation as existing. To note no objections have been raised by any neighbouring properties.

To rear there would be approximately 14.4m from the proposed first floor rear window to the boundary and it would be a non habitable room. To the rear 1 Redwing Drive sits side on with a side gable wall with one small window at first floor. The proposed boundary wall to this side would run along the drive to this neighbouring property at a height of 2.2m - 2.6m. There would be a distance of 3m from the corner of the proposed wall to the end of the drive of No.1 therefore it would not be overbearing or affect visibility from the drive.

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.