

DELEGATED REPORT

Report by Mo Warsame	Date of report: 15/11/2024	Ref: 70990/FUL
Registration: 26/07/2024	LDFC: 27/08/2024	Expiry Date: 20/09/2024
Site Visit: 25/10/2024	Site Notice: N/A	Press Date: N/A
14:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension, single storey rear extensions, roof redesign over existing garage, alterations to driveway/drop kerb widening/bin access to front, raised patio area to rear and associated works.

Location: 227 Sunny Bank Road, Bury, BL9 8JU

Description

The property is a two-storey detached dwelling situated on residential road with similar houses. There is a large drive to the front along with garden to front and larger area of private amenity to the rear. There are no properties directly to the rear of the site and the adjacent neighbouring properties on either side are No. 225 and No. 229 Sunnybank Road.

Planning permission is sought for the erection of a two storey side extension, single storey rear extensions, roof redesign over existing garage, alterations to driveway/drop kerb widening/bin access to front, raised patio area to rear and associated works.

The development would infill the existing access path between the detached garage and the main dwelling. The two storey element would have a 1.5m setback on the first floor, project approximately 2.8m to the side and run 6.8m to the rear.

The single storey rear extensions would have three section projecting 2.9m, 3.25m and 4.2m from the principal rear elevation. These sections would form an open plan kitchen/diner/garden room, utility area and office space situated at the rear of the existing garage.

The proposal would also include the alteration to the existing roof over the existing garage along with external and associated works such as the raised patio area which would be 0.4m high. The proposed development would facilitate an office/walk-in wardrobe along with an ensuite bathroom for the principal bedroom on the first floor. On the ground floor, the development would accommodate a gym, office, utility area along with an open plan kitchen/dining/garden room. The proposal would have pitched roofs above all proposed extensions and utilise the use of some matching materials and finished in render.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

Traffic Sections. No objections.

Pre-start Conditions

N/A

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

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. The proposed two storey extension meets this requirement. Therefore, the proposed two-storey extension would be acceptable and would not have any adverse impact on the street scene.

The proposed two-storey side extension would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties. Situated to the rear, the single storey rear extension(s) would have simple and unobtrusive design, which would not detract from the character of the dwelling. Overall, the proposal would be constructed with materials to match the existing dwelling. Furthermore, the raised decking area would be modest structure that would project less than 2.5m and it would be situated at the rear of the property. Therefore, it 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.

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.

- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. The three sections of the single storey rear element would extend 2.9m, 3.25 and 4.2m to the rear. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected, the extension(s) would be considered acceptable in this instance.
- There would be approximately 9 metres to the rear boundary and no properties exists beyond. This exceeds the 7 metres required by SPD 6.
- There would be no proposed side windows facing the adjacent neighbouring properties except for the first-floor windows from the office/walk-in wardrobe and the first floor bathroom. However, both windows would be conditioned to be obscure glazed. Therefore, there would be no detrimental impact on the neighbouring properties.
- The two-storey extension would not project beyond the principal elevation on the first floor. Therefore, the 45° rule would not apply.
- The proposed front window on the two-storey side extension would be a bathroom window. Moreover, the nearest property to the front separated by a highway would be over 22 metres away. Therefore, this would be considered acceptable.

Parking

The proposal will result in no additional bedrooms, and there are no objections from the Traffic Section (Highways) regarding the changes to site access/ parking.

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 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 dwg no. 2.01 Rev D, dwg no. 2.02, dwg no. 2.03, dwg no. 2.04 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW - 15/11/2024		HL - 15/11/2024	