

DELEGATED REPORT

Report by Amanda

Date of report: 11/11/2024

Ref:71017/FUL

Uhunmwagho

Registration: 11/10/2024

LDfC: 08/11/2024

Expiry Date: 06/12/2024

Site Visit: 04/11/2024

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: Single storey extension at side / rear; raised patio at rear and ramped access of the extension

Location: 85 Goldfinch Drive, Bury, BL9 6JT

Description

The application relates to a two storey semi-detached local authority owned property. There is a small front garden with a low wall and railings along the front boundary. Access to the rear is via a path to the side of the property. The rear garden has fences to all boundaries and there are residential properties to the rear.

The proposal is to build a single storey side/rear extension with ramped access at the front and rear as well as a raised patio at the rear. The extension would provide a ground floor bedroom and bathroom for a disabled resident who cannot use the stairs. The extension would be set back from the front elevation of the main dwelling by around 5155mm. To the front of the extension there would be a ramped access measuring 1339mm wide x 2389mm long. The extension would measure 6051mm along the side and 3832mm across the rear. It would project around 3198mm from the existing rear elevation and the roof would be hipped. There would be a new access ramp from the existing kitchen/dining room for access to the new raised patio area at the rear of the house..

Relevant Planning History

N/A

Publicity

6 neighbours notified on 18/10/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

PFE Places for Everyone

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The extension would be single storey only and it would be set back from the front elevation of the existing building. It would be built with materials and a design that would be considered to be in keeping with the existing building. As such the extension would not have any significant detrimental impact on the character of the existing streetscene.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The front of the extension would be set back from the main front elevation by around 2805mm and the front window would be obscurely glazed. The separation distance between the extension and properties on the opposite side of the highway would be more than acceptable in terms of SPD 6.
- The new access ramp to the front door would be to the side of the existing building and set well away from the shared boundary with no.87 next door.
- There would be no windows to the side elevation adjacent to the shared boundary with no.87 next door.
- The drawings show that the extension would be around 150mm away from the shared boundary with no.87 Goldfinch Drive. As such there would be no concerns regards encroachment.
- There is an entrance door, kitchen window and secondary lounge window to the side elevation of no.87 next door. The kitchen window is also secondary to the main window to the rear elevation and this room would be classed as non-habitable. The lounge has its principle window to the front elevation. As such the secondary window to the side, which is much smaller, is given less consideration in terms of Planning. In this instance it is considered that the proposed extension would not cause any significant detrimental harm in terms of light availability to and views from the side windows at the neighbouring property.
- There would be a bedroom window to the rear elevation of the extension which would be around 2500mm away from the shared boundary with numbers 186 and 188 Ferngrove to the rear of site. Any views from the new window would be directly towards the existing boundary fence which would screen any views towards properties at the rear. In terms of SPD 6 a distance of at least 6500mm would be required from a ground floor habitable room window to a shared boundary with another property. However, in this instance because the proposed use of the room would be a bedroom for a disabled person, the requirement for the extension outweighs any detrimental impact the extension may have on residential amenity at the neighbouring properties. As such in this instance the distance of 2500mm to the rear boundary would be considered acceptable. It is also noted that neighbours to the rear have not objected to the proposal.
- The south side elevation would be around 3436mm from the shared boundary with no.83 and there would be no windows to this side elevation.
- The new access ramp would be installed from the existing kitchen door down to a new raised patio area. The patio area would measure less than 300mm from ground level. As such the patio could be constructed as permitted development.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would increase the number of bedrooms by one 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 no on site parking. Parking is to the highway in front only. This would not change following the construction of the extension. In this instance then the parking arrangements are considered sufficient.

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 01, 02, 03, 04 and 05 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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>
AU - 11/11/2024		DM - 20/11/2024	