

DELEGATED REPORT

Report by Helen Leach	Date of report: 12/07/2022	Ref: 68390/FUL
Registration: 29/04/2022	LDFC: 04/06/2022	Expiry Date: 24/06/2022
Site Visit: 09/06/2022	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: Single storey extension at rear; New porch at side.

Location: 37 Ashington Drive, Bury, BL8 2TS

Description

The application relates to a detached bungalow, which is constructed from brick with stone cladding and a tile roof. There is a conservatory at the rear and a large flat roofed garage is attached at the side. There are gardens to the front, side and rear and a long driveway that can accommodate 4 cars.

There are bungalows to the east and two storey dwellings to the north and south. Lowercroft Primary School is located to the west.

The proposed development involves the demolition of the conservatory at the rear and the erection of a single storey extension at the rear and a porch to the side elevation in front of the existing garage. The existing stone cladding to the front would be replaced with cedar cladding.

Relevant Planning History

02696/E - Ground floor extension to rear at 37 Ashington Drive, Bury. Enquiry completed - 2 March 2022.

67443 - First floor addition to existing bungalow; Increase height in roof; Adding bay windows to the front elevation; Removal of conservatory; New entrance to both sides at 37 Ashington Drive, Bury. Withdrawn - 28 October 2021.

Publicity

The neighbouring properties were notified by means of a letter on 13 May 2022. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
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 - 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 proposed development involves the removal of the existing conservatory and the erection of a single storey rear extension across the full width of the dwelling. The proposed rear extension is of a simple and unobtrusive design that would not overwhelm the dwelling. The proposed extension would be constructed from brick and a tile roof, which would match the existing dwelling. The proposed openings would be suitably aligned with the existing openings. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

On the front elevation, it is proposed to change the existing stone cladding for cedar cladding, which would be used on the proposed porch. The proposed materials would add visual interest and would complement the existing dwelling.

The proposed front porch would be located on the side elevation and would be in front of the existing garage. The proposed porch would be of a modern design and would have a flat roof, which would complement the existing garage. The proposed porch would be constructed from brick with cedar cladding, which would tie in with the alterations to the cladding on the front. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy 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.

The proposed rear extension would project 5.4 metres from the rear wall of the dwelling and 3 metres from the rear of the garage. In this instance, the neighbouring No.35 is set back and the existing property No.37 already encroaches the 45 degree line. There is a 2 metre high fence along the boundary and there would be no openings in the side elevation facing No. 35. Generally on a detached property a 4 metre deep extension is considered acceptable and the existing conservatory would project 4.6 metres from the rear elevation. As such, it is necessary to assess whether the additional 0.8 metres projection past the existing conservatory would be acceptable. A further material consideration is also the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case. For the reasons as stated above there are not considered to be any justified grounds for refusal in this case.

There would be bi-fold doors on the side elevation and there would be 10.5 metres to the boundary, which is marked by a low wall with a hedgerow above. As such, there would not be an adverse impact upon privacy. There would be a dining room window in the rear elevation, which would be 1.7 metres from the rear boundary, which is marked by a 0.5 metre high raised bed with 2 metre fencing above. As such, the proposed development would not have an adverse impact upon the amenity of the occupiers of Nos 1 and 3 Chatton Close.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would comply with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

Parking - The proposed development would include a porch, which would be located in front of the existing garage. The proposed development would not increase the number of bedrooms and 2 parking spaces can be accommodated on the driveway. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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:

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- 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 SC2021-251-L-(-0)002 Rev A, SC2021-251-L-(-0)003 Rev C, SC2021-251-L-(-0)004 Rev C, SC2021-251-L-(-0)005 Rev C, SC2021-251-L-(-0)006 Rev C 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.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 12/07/2022		DM	12/07/2022