

DELEGATED REPORT

Report by Amanda

Date of report: 27/10/2020

Ref:65971/FUL

Uhunmwagho

Registration: 16/09/2020

LDFC: 12/10/2020

Expiry Date: 11/11/2020

Site Visit: 07/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at rear; Front porch and render/cladding to external elevations

Location: 11 Castlebrook Close, Bury, BL9 8JE

Description

Castelbrook Close is a small cul-de-sac comprising of six detached properties. All the properties are two storeys except for the application property. There are open plan gardens to the front and a larger private garden to the rear.

There is a double detached garage to the front of the property with parking to the front of site for at least three vehicles and a conservatory has already been removed from the north side elevation.

The applicant had commenced building the single storey rear extension as they thought it would be classed as Permitted Development. However, following discussions with the Building Control officer they submitted a pre-application enquiry to determine whether they would need to submit a Lawful Development Certificate or a planning application. They subsequently submitted the current planning application.

The proposal is in respect of the single storey rear extension, currently under construction. They also propose to build a porch at the front and would add render/cladding to the external elevations, including the detached garage. The plans also show that an existing bay window to the front would be removed.

Relevant Planning History

02488/E - Single storey rear extension - Enquiry completed 14/09/2020.

Publicity

Immediate neighbours notified on 21/09/2020 - One comment received from the occupier of 1 Chapel Close to the rear of site. They commented that works have begun without planning permission and they question ownership of the land and if it is leasehold, like their own, should the land owner be notified.

No objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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.

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

Visual Amenity -

It could be possible for the applicant to build a single storey rear extension which would be a similar size to the one currently under construction, under Permitted Development rules. The reason why the rear extension requires planning permission is because the eaves are

too high.

This extension would be partially visible from the rear of properties to the side/rear but not in the street scene on Castlebrook Close. With this in mind the proposed single storey rear extension would not have any seriously detrimental effect on visual amenity.

At the front the porch would be relatively small and would be built with materials that would compliment the original property. A small bay window would be removed from the front elevation and all of the external walls, as well as the detached garage would be rendered with K-Rend and the two peaks to the front of the property would be cladded.

Although there are no other properties on Castlebrook Close that are rendered the applicant could render and add the cladding without the need for planning permission and as such this would not be a reason for refusal of the proposal. The design of the proposal is considered to be acceptable in this location.

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.

Residential Amenity -

- Properties to the front of site would remain over 20m from the front elevation of the application property and as the only change to the front would be the addition of a porch and rendering/cladding there would be no detrimental impact on residential amenity at properties on Castlebrook Close at all.
- There would be over 13m to the rear of no.1 Chapel Close to the north of site and there would be no habitable room windows in the side elevation to this side. In addition there is an existing boundary fence which would screen most view of the extension at ground floor level from the north of the site.
- There would be over 8m to the southern side boundary and an existing boundary fence and planting along the boundary to this side would screen views to and from the rear extension.
- At the rear no.7 Church Meadow would be under 20m of the rear elevation of the extension but as the extension would be single storey only and there is a fence and planting along the shared boundary views to and from the extension would be very limited and as such there would be no seriously detrimental effect on residential amenity at no.7 Church Meadow to the rear.
- There would be no changes to the existing parking arrangements on the site, including the detached garage and given the size and position of the proposed porch to the front it would not interfere with the existing parking space to the southern side of the site.

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.

Response to neighbour comment -

With regards to the building works commencing the applicants had previously begun work on the extension believing it would be Permitted Development but after some discussion with the Building Control officer they submitted a pre-application enquiry in September 2020 to enquire about what type of application they might be required to submit. The current application was submitted soon after the pre-application enquiry was complete.

In respect of land ownership the applicant has signed and submitted Certificate A with the application.

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 This decision relates to drawings numbered LE01 and LE02 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 27/10/2020.		DM	05/11/2020