

DELEGATED REPORT

Report by Mo Warsame	Date of report: 22/05/2024	Ref: 70478/FUL
Registration: 27/03/2024	LDFC: 27/02/2024	Expiry Date: 22/05/2024
Site Visit: 28/05/2024	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 front extension to include garage conversion; Front porch; First floor side extension with rear dormer and Single storey rear extension.

Location: 58 Apollo Avenue, Bury, BL9 8HG

Description

A two storey red-brick semi-detached property with a large drive leading to an integral garage to the front. The premises has also a small garden to the front running along the shared boundary with the attached property (No.60 Appollo Avenue) and there is a larger area of private amenity to the rear. The adjacent properties on either side are No.60 Appollo Avenue and No.56 Appollo Avenue on the opposite side, which is a bungalow. There are sufficient distance to the properties to the front and the rear boundary is shared with St Benadettes Roman Catholic Primary School.

Planning permission is sought for a single storey front extension to include garage conversion, a single storey front porch and a first floor side extension with rear dormer along with a single storey rear extension. The proposed single storey front extension would project 1.15m to the front. The proposed porch extension would also extend 1.15m, aligning with the proposed garage extension. To the rear, the single storey extension would have a flat roof with roof lights and project 3m while the proposed first floor side extension would project to the principal rear elevation to infill the existing enclave. This element would extend the existing sloping roof to the rear, facilitating a pitched rear dormer extension on the first floor. The proposed development would accommodate a new porch entrance, garage extension, new utility area and open plan kitchen/diner extension on the ground floor and a bedroom extension on the first floor. The development would utilise the use of some matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

H2/3	Extensions and Alterations
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), 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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

Situated to the side and rear and tucked in behind the integral garage and the existing dwelling, the single storey rear extension and the first-floor infill side extension with the rear dormer would not be visible from the street scene and such, would not be a prominent feature. The proposed porch to the front and the single storey garage extension to the front would be visible from the street scene. However, these elements would have a simple and unobtrusive design, which would not detract from the character of the dwelling.

Overall, the proposed development would be constructed with materials that would be in keeping with the existing and the proposed windows would appropriately align with the existing. As such, the proposed development 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.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be no proposed side windows facing the adjacent neighbouring properties. Furthermore, there would be sufficient distance to the shared rear boundary and existing shrubs would screen the proposed windows on the rear elevation.
- Given that the proposed first floor infill side extension would not project beyond the rear elevation of the adjacent property the development would not encroach the 45° and therefore, the development would be acceptable.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. The proposed extension would not project beyond 3m to the rear.
- The proposed rear dormer would also be a modest structure with no proposed side windows and there would be an adequate distance to the shared rear boundary.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways

The proposal will result in no additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 the drawings received on 02/02/2024 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	22/05/2024	DM	22/05/24