

DELEGATED REPORT

Report by Mo Warsame	Date of report: 10/11/2022	Ref: 68909/FUL
Registration: 21/09/2022	LDfC: 01/11/2022	Expiry Date: 16/11/2022
Site Visit: 03/11/2022	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: Two/single storey rear extension, Hip to gable roof extension at side with loft conversion and rear dormer; New windows to side (north) elevation.

Location: 302 Hornby Street, Bury, BL9 5DS

Description

The application relates to a two-storey end of terrace property on a residential street of similar dwellings. The property has extended to the rear and has a yard to the front and rear and parking is available on the street in front of the house. The attached neighbour has also extended to rear. To the opposite site and separated by a public highway is No. 304 Hornby Street. No.27 Argyle Street is situated to the rear of the property beyond the back street.

Planning permission is sought for part single, part two storey rear extension, Hip to gable roof extension at the side with loft conversion and rear dormer along with new windows to the side elevation (North). The part single rear extension would project 4.5 metres to the rear and measure 4.8 metres in width. The part two-storey element would also project 4.5 metres to the rear but only run for 3 metres to the side leaving a setback of 1.8 metres to the shared boundary. The loft conversion would utilise the construction of a rear dormer and accommodate two bedrooms and a toilet. On the first-floor level, the development would facilitate an additional bedroom and a further bathroom. On the ground floor, there would be an extended kitchen.

The proposed development would utilise the use of matching materials and would have a pitched roof over the part two-storey extension, a flat roof over the proposed dormer and a mansard roof over the part single extension.

Relevant Planning History

None.

Publicity

Neighbour letter sent 11/10/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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

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

The proposed development would be simple and unobtrusive design and would not detract from the character of the dwelling. The proposed flat roofed dormer and the part single, part

two storey extensions to the rear would all be considered suitably in scale. The new proposed window on the side of the existing property would also be deemed appropriate in size. The proposed development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. 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

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the side, SPD 6 requires a distance of 13 metres between principal window to a habitable. There would be approximately 10.5 metres between the proposed habitable window and the side elevation of No. 304 Hornby Street. Whilst this is below the minimum standard, the window would not be facing towards other habitable windows and the only party to be impacted by this would be the applicant. The proposed first-floor bathroom window on the opposite side would overlook the rear yard of the adjoining neighbour (No. 300 Hornby Street) therefore, it would be conditioned as an obscure glazed.
- In terms of overlooking and privacy to the rear, there would be sufficient separation distance to property No. 27 Argyle Street from the proposed first floor habitable room and the habitable window from the proposed dormer. Furthermore, the proposed windows would be facing the front yard of this dwelling and not overlook directly towards the property's side windows. Therefore, this would be acceptable and comply with adopted guidance in SPD6.
- The proposed part single-storey rear element would have no proposed windows on either side and would project 4.5 metres to the rear. 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. Following the assessment of the 45° rule there would be no detrimental impact on the adjoining neighbour. Furthermore, taking in to account the Larger Homes Scheme and that the adjacent neighbour has not objected the projection of 4.5 metres along the shared boundary would be considered acceptable in this instance. Additionally, there would remain an acceptable amount of outdoor private amenity space.
- The proposed part two storey rear element would also be 4.5 metres deep and would be slightly setback from the shared boundary. The extension would project 1 metre beyond the existing extension and that of the adjacent No.300 Hornby Street. Therefore, there would be no significant impact on the residential amenity of the adjoining property when taken a 45-degree line from 1 metre out along the shared boundary.
- In terms of the general prominence and impact on daylight the proposed part two storey extension would be setback 1.8 metres from the shared side boundary and would be to the north of No.300 Hornby Street and any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

There would be no changes to the front of the property, access or the parking layout. Therefore, the parking at its current condition would meet the 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 drawing numbers: Sheet 1 and Sheet 2 (Received on 21/09/2022) 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 plus rendering as outlined in drawings submitted.
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.
- 4 The proposed first-floor bathroom window subject to this application shall remain obscure glazed.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	10/11/2022		