

**DELEGATED REPORT**

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| <b>Report by</b> Amanda Uhunmwagho | <b>Date of report:</b> 29/10/2020 | <b>Ref:</b> 65889/FUL          |
| <b>Registration:</b> 08/09/2020    | <b>LDFC:</b> 06/10/2020           | <b>Expiry Date:</b> 03/11/2020 |
| <b>Site Visit:</b> 06/10/2020      | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0               | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A    |                                   | <b>EIA:</b> NA                 |
|                                    |                                   | <b>Dec Level:</b> DEL          |
|                                    |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Demolition of conservatory on front, single storey extension at front

**Location:** 261 Brandlesholme Road, Bury, BL8 1DH

**Description**

The application property is a large, previously extended detached property which is accessed from Brandlesholme Road to the side with the front elevation facing the side of no.257 Brandlesholme Road to the south. Grounds belonging to the property known as Dunster House are to the north and west of the site. There is a tall wall along the boundary with Brandlesholme Road with iron gates for access. To the front of the property there is a large area of hardstanding for parking and a garden area as well as access from Brandlesholme Road to Dunster House next door. There is also vehicular access to Dunster House from Throstle Grove to the north.

Planning permission was recently sought at this property in May 2020, also for a single storey front extension. However, it was felt that the flat roof design of the extension to the front of the existing property was not appropriate and the applicant/agent subsequently withdrew that application.

The current proposal is also for a single storey front extension but the plans show it would be a more traditional style with a pitched roof. The extension would project 4m from the main two storey elevation of the building and it would measure 12.8m wide. The northern boundary with Brandlesholme Road is at an angle to how the building is built meaning that the proposed extension would be a minimum of approximately 1.9m from the boundary and a maximum of approximately 2.7m.

**Relevant Planning History**

57616 - Single storey extension at side and rear with decking area - Approve with Conditions 30/06/2014

58812 - Two storey extension at side and single storey extension at side/rear with raised decking area at front - Approve with Conditions 24/07/2015

65341 - Single storey front extension in replacement of front conservatory. - Withdrawn by Applicant 21/05/2020

**Publicity**

Immediate neighbours notified on 14/09/2020 - No objections or comments received.

**Statutory/Non-Statutory Consultations**

None

**Pre-start Conditions** - Not relevant.

**Unitary Development Plan and Policies**

SPD6      Supplementary Planning Document 6: Alterations & Extensions  
H2/3      Extensions and Alterations

## **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 -

The proposed extension would be built with materials and a design that would compliment the existing property more than the existing, rather incongruous conservatory. There is a

two storey side extension which is virtually complete and the proposed single storey extension would be located to the front. With regards to the proximity of the proposed extension to the highway at the side the existing two storey extension is closer, given that the side boundary is at an angle, with the rear of the property closer than the front. With this in mind, there would be no seriously detrimental impact on the existing street scene and the design of the proposal is considered to be in keeping with the existing building.

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 -**

- The front elevation of the extension would be 13m from the blank two storey side elevation of no.257 Brandlesholme Road to the south. This distance would be acceptable in terms of SPD 6.
- There appears to be a door in the north side elevation of the front extension at no.257 but it is unclear what the purpose of this door is, given that the main access is to the front of the property. However, it is noted that his neighbour has not objected to the proposal.
- As the extension would be to the front of the existing property there would be no concerns about the impact of the proposal on land and outbuildings belonging to Dunster House to the rear of the site.
- There is approximately 12.5m in between Dunster House, to the west, and the side elevation of the application property, and in between the two properties is a boundary fence and access gates from the site, to Dunster House. The extension would be approximately 6.5m from the shared boundary and there are tall shrubs along the shared boundary (on the side belonging to Dunster House) which screen most of the views of either property. With this in mind there would be no detrimental impact on residential amenity at Dunster House.
- The extension would be situated a sufficient distance from the access gates from site to Dunster House and as such would not have any detrimental effect on the use of this area.
- Properties on the opposite side of Brandlesholme Road to the east would be well over 20m from the side of the proposed extension. As the extension would be single storey only this separation distance would be more than sufficient.
- The closest part of the proposed extension would be 1.9m to the side boundary where it would meet the pavement on Brandlesholme Road. As the extension would be single storey only this would be acceptable in terms of SPD 6.
- Parking on site would be unaffected by the proposal as the existing parking area is along side the southern site boundary and not directly in front of the dwelling.

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.

**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 SHT 1 of 6, SHT 2 of 6, SHT 3 of 6, SHT 4 of 6, SHT 5 of 6 and SHT 6 of 6 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 to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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                  | 20/10/2020  | DM                      | 29/10/2020  |