

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/01/2025	Ref: 71299/FUL
Registration: 12/11/2024	LDFC: 05/12/2024	Expiry Date: 07/01/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey front/side/rear extension with rear juliette balcony; Single storey rear extension; Increase in ridge height; Loft conversion with rear dormer

Location: Fairwinds House, 2 Bridgefield Drive, Bury, BL9 7PE

Description

The site is a detached brick/Tudor style/tile property with an attached double garage on a small estate of similar styled properties. The site is on a lower level than the adjacent neighbouring properties to the side (No.3) and to the rear (No.15). The premise has a sloping garden to the front, and a larger garden with patio to the rear.

Planning permission is sought for a two-storey front/side/rear extension with juliette balcony to the rear. The proposal also include a single storey rear extension along with the raise of the existing roof's height and the erection of rear dormer. This is a resubmission of application 69918 with similar description.

The two-storey side element of the development would be constructed on the location of the existing garage. The two storey extension would run 10.5m along the side boundary and project 0.9m beyond the front elevation and 1.5m beyond the principal rear elevation.

The proposed single storey rear extension would be constructed following the demolition of the existing conservatory and It would project 4.45m to the rear.

The proposal would accommodate a family room, guest dining room and a utility along with a new storeroom on the ground floor. There would be a large additional bedroom with en suite bathroom and a rear facing Juliette balcony. There would also be a another storage area via the proposed rear dormer. The two-storey elements would have pitched roof while the single storey rear extension would have a flat roof. The proposal would utilise the used of some matching materials and would be partly finished in render.

Relevant Planning History

53532 - Application to extend the time limit for implementation of planning permission

48893 for outline detached dwelling - Approve with Conditions 18/02/2011

57105 - Outline application for the erection of 1 no. dwelling - Approve with Conditions 19/03/2014

61049 - Outline application for 1 no. detached three storey dwelling - Approve with Conditions 24/02/2017

69918 - Two-storey side extension with juilette balcony, first-floor rear extension and single storey rear extension - Approve with Conditions 02/10/2023

Publicity

Neighbour letters sent. One objection received.

Comments

The concern relates to the proposed juliette balcony to the rear. The objecting party

believes that it would reduce their privacy as it would be directly overlooking their garden. They also state that the extension height would be higher than the existing roof line.

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

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 two-storey extension would not be setback from the front elevation. In fact, the proposed extension would project 0.9m beyond the principal front extension instead. SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. However, in this instance due to a staggered building line and level differences within this street, it is considered that the proposal would not lead to the uncharacteristic terracing of dwellings. Furthermore, several properties within this street have extended a similar extension without setback. Therefore, the proposed two-storey extension would be acceptable and would not have any adverse impact on the street scene.

The proposed two-storey front/side/rear and the first floor rear extensions would have modest designs that would be in keeping with the character of the dwelling. Furthermore, the two-storey extensions would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties.

Situated to the rear, the single storey rear extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed height increase to the existing roof would be modest and the rear dormer would also have a simple design. The proposed alteration to the existing roof and the rear dormer extension would be the main additions on this scheme when compared to previously approved application (69918).

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

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

- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4.45m along the shared boundary would be acceptable. Additionally, there would be approximately 9m to the rear boundary which exceeds the 7m required by SPD 6.
- There would be two proposed side windows on the proposed single storey rear extension facing the adjacent neighbouring property (No. 17). However, there would be sufficient distance to the shared side boundary together with shrubs and high fencing that would screen these windows. Therefore, there would be no detrimental impact on this neighbour. Moreover, the part of the neighbour's house closest to the shared boundary would be a garage that project a blank gable.
- The first-floor rear and the two-storey side extensions would not project beyond the

original rear elevation. Additionally, there would be a sufficient distance to the rear boundary.

- The proposed front windows on the two-storey side extension would be over 20m away from the properties in front and separated by a highway. Therefore, this would be considered acceptable.
- The proposed Juliette balcony to the rear and the rear dormer would both be at appropriate scale. There would also be a setback distance of over 10m to the shared site boundary and a distance of over 14m to the property at the rear. This meets the associated guidance in SPD6. Additionally, there would be high shrubs and trees along the rear boundary which would further reduce any outlook and privacy implications.

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

Response to Objection

The report has addressed the main concerns of the objecting party. There would not be any significant detrimental impact on any of neighbouring properties. While the ridge height would be increasing slightly, the height of the eaves would not increase. There would also be no increase in the existing floor levels although a new floor area would be created in the roof space via the proposed rear dormer. There would remain a distance of over 10m to the rear boundary which meets the associated guidance in SPD6.

This proposal is very similar to a former approved scheme under application 69918. The main difference is the increase in ridge height and thus including a roof in the roof space. The Juliette balcony has remained in the same place and the objecting party did not object on the previous scheme.

Overall, the above assessment above has highlighted that there would not be significant adverse impacts and addressed the other concerns of the objections.

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 14/11/2024 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 and Places for Everyone Joint Development Plan listed.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	06/01/2025	DM	06/01/25