

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 24/08/2022

**Ref:**68517/FUL

**Registration:** 31/05/2022

**LDfC:** 15/07/2022

**Expiry Date:** 26/07/2022

**Site Visit:** 24/06/2022

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Single storey extension at side and rear

**Location:** 37 Cardigan Drive, Bury, BL9 9LG

**Description**

The application relates to a two-storey semi-detached house on a residential street of similar properties. There is an existing rear conservatory that projects out 3.6m alongside the shared boundary with No.35 which is as originally built, while the neighbour on the other side is set at an angle and has existing single storey extensions to the side and rear. There is no driveway, although parking is available on this street with no parking restrictions.

Planning permission is sought for a single-storey side/rear extension that would project out 2.44m at the side and 3.61m at the rear. It would have a gable roof facing the RHS. Materials would match existing. There are no new side windows proposed except one high level toilet window. The extension would accommodate a new side kitchen/ toilet, and a new ground floor bedroom. There are no plans to provide a driveway. There would be a separation of 5.7m to the rear boundary, although there is no boundary treatment proposed.

**Relevant Planning History**

None

**Publicity**

Immediate neighbours notified by letter dated 22/08/2022 sent to 6 (six) neighbours. No representations were received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions**

N/A

**Unitary Development Plan and Policies**

NPPF National Planning Policy Framework

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

HT2/4 Car Parking and New Development

## **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 compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally

in-keeping with the existing house. Situated at the side and rear, the proposed extension would be readily visible from the public arena, although its siting, scale, and design is considered to be appropriate for this property and streetscene. The proposed single storey projection would match the existing conservatory which would remain. Materials would match existing. In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

The single storey side extension would be setback approximately 1.3m, and this would also leave a gap of 5.7m for a possible future driveway if the applicant chooses to apply for one. which is considered to be acceptable. In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

### **Residential amenity**

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

- The proposed extension would extend by 3.6m in excess of 3m beyond which the 45-degree rule would apply. It is considered that the proposed extension does not have a direct impact on the attached neighbour due to the existing conservatory projecting out by the same distance.
- The unattached neighbour is positioned at a diagonal angle due to the street curve and has a rear elevation habitable room window only 2.5m from the side extension gable wall. Nevertheless, this window is part of an existing extension (possibly permitted development) and does not form part of the original dwellinghouse. As such this window has lower weighting.
- In terms of overlooking and privacy to the rear, there would be one new habitable window proposed for the ground floor bedroom. This would overlook the rear garden with a separation of 5.7m to the rear boundary which is considered to be acceptable
- There are no new side windows proposed except for a high-level toilet window.
- The neighbours kitchen door on the rear elevation cannot be given a great deal of weight.
- In terms of the general prominence and impact on daylight the proposed extension would be entirely single storey and is to the north of No.39. The proposed extension would have some impact on part of the applicants own rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation.

Overall, the proposed extension would be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

### **Highways**

The dwelling has no driveway and no changes proposed. The proposal would increase the number of bedrooms from 3 to 4 (including one at ground floor) and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area.

Although there is zero existing on-site parking, nevertheless there is sufficient parking available on street which has no parking restrictions. Given the situation and the fact there are no changes to parking provision, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

### **Conclusion**

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the scale design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and would comply with UDP Policy H2/3 and associated guidance in SPD6.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 2 Rev A as submitted on 24/08/2022 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.  
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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| SGR 24/8/22         |             | DM 24/8/22              |             |