

DELEGATED REPORT

Report by Mo Warsame	Date of report: 16/06/2025	Ref: 71723/FUL
Registration: 19/03/2025	LDFC: 10/04/2025	Expiry Date: 14/05/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two/single storey extension at rear and external alterations; Formation of vehicular access and 2 no. parking spaces at front

Location: 11 Rhiwlas Drive, Bury, BL9 9DD

Description

The property is a two storey semi-detached property located on Rhiwlas Drive. The premises has gardens to the front and rear and the attached neighbour is No.13. The property on the opposite side is No.9.

Planning permission is sought for the erection of part two storey, part single storey extension at rear along with external alterations and the formation of vehicular access with 2 no. parking spaces at the front. The proposed single storey element would project 4.05m to the rear and run the entire width of the property. The two storey element would also project 4.05m to the rear but would only run for 2.4m to the side. This means there would be a setback distance of 2.8m between the proposed two storey extension and the shared boundary with the attached neighbouring property (No. 13). The development would have pitched roofs and facilitate a large kitchen on the ground floor along with an additional bedroom on the first floor. The proposal would also utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 19 March 2025. One objection received:

Comments

The concerns relate to the following:

1. A concern of the potential effect that the proposed parking would have on the sewer pipe underneath.
2. Due to the fact that the house is built on a high bank of land, there is a concern of digging out a sizeable chunk of this for 2 parking spaces without a very substantial retaining wall may destabilise the remaining banking and cause subsidence.

Statutory/Non-Statutory Consultations

Traffic Section: No objections, but subject to conditions 3 & 4.

Pre-start Conditions

N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT6/2	Pedestrian/Vehicular Conflict

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 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 part single, part two storey extensions to the rear would be considered suitably in scale. 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 rear, there would be over 13 metres to the properties to the rear. 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 facing the adjacent 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 be applied. Considering the Larger Homes Scheme and the fact that the adjacent neighbour has not objected to this application, the proposed projection of 4.05m to the rear would be considered acceptable.
- The adjoining property (No.13) has a single storey rear extension and therefore the section of the proposal that would project past its rear elevation would be effectively as single storey to single storey. Furthermore, the proposed extension would have a setback of over 2.8m from the shared boundary with this property. There would be a setback of over 5m between the proposed development and the adjacent property on the opposite side (No.9). Therefore, there would be no encroachment when the 45 degree rule is applied. Furthermore, the extension would have no proposed windows on any of sides.
- In terms of the general prominence and impact on daylight the proposed part two storey extension would be setback sufficiently from both the shared side boundaries. Therefore, 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.

Highways

No objections have been raised to in principle to the new vehicular access, however conditions 3 and 4 have been recommended and attached.

Response to Comments/Objections

1. The sewer are issues is to be dealt with by the building regs.
2. The Highways have no objection to the formation of the parking spaces (subject to condition 3 and 4). Therefore, the development would be acceptable. The safety aspects of the development and the concerns relating to the retaining wall are separate issues which would also be covered by building regs.

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 drawings numbered dwg no.2 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.
- 3 The car parking and front boundary wall alterations indicated on approved plan reference 2 Revision A, incorporating the provision of a double footway crossing replacement of the affected street lighting column in a position and to a specification to be agreed with the Highway Authority, 5.15m minimum hardstanding length, visibility splays at the back edge of the footway, demarcation of the limits of the adopted highway, measures to prevent the discharge of surface water onto the adopted highway, foundations that do not encroach under the adjacent adopted highway and all associated highway remedial works, shall be implemented to the satisfaction of the Local Planning Authority prior to the proposed development and parking facilities being brought into use.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways, in the interests of road safety and to maintain the integrity of the adopted highway pursuant to UDP Policy HT6/2 Pedestrian / Vehicular conflict..
- 4 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy HT6/2 Pedestrian / Vehicular conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	16/6/25	DM	16/6/25