

## **DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 25/09/2023

**Ref:**69876/FUL

Uhunmwagho

**Registration:** 04/08/2023

**LDfC:** 30/08/2023

**Expiry Date:** 29/09/2023

**Site Visit:** 07/09/2023

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Two/single storey extension at side/rear

**Location:** 9 Ennerdale Drive, Bury, BL9 8HY

### **Description**

The application relates to a two storey semi-detached house with gardens to the front and rear. There is a drive to the front/side of the property leading to a detached garage at the rear.

The proposal is to build a single/two storey extension to the side and rear of the existing building. At the front the extension would be flush with the existing front elevation and the first floor would be set back by 1m. It would measure 2.28m wide and would measure 11.73m along the side. The drawing show that the side elevation would be built around 127mm away from the shared boundary with no.11 next door.

At the rear the extension would project 3m from the original rear elevation and it would have a total width of 8.35m. The two storey section would measure 6.36m across the rear elevation. The roof over the two storey extensions would be pitched to the side and hipped at the rear. Both the front and rear single storey extensions would have mono pitched roofs.

### **Relevant Planning History**

N/A

### **Publicity**

Neighbours notified on 09/08/2023 - No comments or objections 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 -**

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 extension would be built with materials and a design that would be considered to be in keeping with the existing building, as well as remaining similar to other properties along Ennerdale Drive.

In terms of expectations stated in SPD 6 a first floor set back of 1.5m to the front of an extension would be expected where it would be built directly adjacent to a boundary in order to prevent terracing with a neighbouring property. In this instance the extension would be set back 1m from the front elevation, but the front elevation it would be set back from is also set back from the main front elevation by around 420mm. Taking this into account the

side extension would be set back from the main front elevation by around 1.42m.

This means the total set back would be around 800mm short of the suggested 1.5m as per SPD 6, but even if the next door neighbour was to extend to the side in a similar way there would not be any significant harm caused in terms of terracing because both properties would be set back from the main front elevations and the resulting buildings would not be considered significantly detrimental in the streetscene. The design of the proposal is considered acceptable in this location.

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 -**

- Properties to the front of the site would be a sufficient distance from the extension not to have any significant detrimental effect on residential amenity.
- There would be 5m of drive length remaining to the front of the extension, which would be acceptable in terms of SPD 6.
- At the rear there would be at least 7m from the rear elevation of the two storey extension to the rear boundary, which would be acceptable in terms of SPD 6.
- At the rear the single storey extension adjacent to the boundary with no.7 to the north would project 3m along the shared boundary and there would be no windows in the side elevation. This would be in line with the expectations as set out in SPD 6 and as such it is considered that there would be no significant detrimental effect on residential amenity at no.7 next door.
- The 45° rule would be satisfied regards the relationship of the proposed two storey rear extension and ground floor windows on the rear of no.7 next door.
- The plans show that the extensions would be built wholly within the site boundary, so there would not be any concerns regards encroachment on to neighbouring land/air space.
- There would be no ground floor windows to the side elevation adjacent to the boundary with no.11 to the south and two first floor windows are shown on the drawings as being obscurely glazed. A condition would be added to the decision to ensure these windows remain obscurely glazed in the future. This would be to retain privacy between the two properties.
- At the rear the two storey extension would project a similar distance to the single storey extension on the rear of no.11. The extension would also be to the north of no.11 meaning that there would not be any significant detrimental impact on light to the rear and side of no.11 Ennerdale Drive.
- The 45° rule would be satisfied regards lower and upper floor windows to the rear of no.11.
- To the side elevation of no.11 there are two obscurely glazed windows and an external door. As none of these would be classed as habitable room windows it is considered that the two storey side extension would not cause any significant detrimental harm in terms of light or privacy at no.11 next door.

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 and the 45° rule from nearest relevant windows of the adjacent properties.

#### **Parking -**

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has an area at the front for parking a vehicle, as well as to the side of the property and a garage to the rear. Once the extension would be built access to the side of the property and garage would be lost.

The proposed site plan indicates that the applicant also intends to remove part of the front garden to create a second parking space, as well extending the existing dropped kerb for access. This part of the development has not been included as part of the proposal, and no specifics have been given regards proposed materials for the new drive area. As such it is assumed they would be undertaking this work under Permitted Development rules where the applicant could convert their front garden in to hardstanding, providing materials would be porous and/or there would be drainage within the site.

They would also need to contact the Highways officer to apply to extend the dropped kerb in front. An informative would be added to the decision regards the need to contact the Highways officer prior to extending the existing dropped kerb.

In terms of parking there are no restrictions to parking along Ennerdale Drive and the area is high access in terms of public transport.

**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 23-04-02 01 Rev A, 23-04-02 02 Rev C, 23-04-02 03 Rev C, 23-04-02 04 Rev A, 23-04-02 05 Rev A and 23-04-02 06 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 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 25/09/2023     |             |                         |             |