

DELEGATED REPORT

Report by Mo Warsame	Date of report: 28/07/2023	Ref: 69730/FUL
Registration: 06/06/2023	LDFC: 06/07/2023	Expiry Date: 01/08/2023
Site Visit: 21/07/2023	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 storey rear and first floor side extension

Location: 11 Parkhills Close, Bury, BL9 9HB

Description

The property is a two-storey detached house located in Parkhills Close within a cul de sac. The front elevation has an attached extension which was a former garage now converted to habitable room. There is a drive at the front and a small garden to the rear. The neighbouring properties on either side are No.15 (East) and No.9 (West), both of which are similar to the proposed dwelling. Properties to the front are over 20 metres away and there are no properties directly to the rear of the site.

The application proposes a two-storey rear and first floor side extension. The two-storey rear extension would project 1.8 metres to the rear and would facilitate a larger dinning room on the ground floor and a larger bedroom on the first floor. The proposed first-floor extension would run the entire length of the ground floor bedroom (former garage) and accommodate an additional bedroom on the first floor. The development would have pitched roofs and would be constructed with some matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary 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) 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 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 two storey rear extension project would project 1.8 metres to the rear and would have a simple and unobtrusive design that would not detract from the character of the dwelling.

The first-floor extension would be constructed above the existing ground floor bedroom which was a former garage. The extension would not extend beyond the footprint of this bedroom. Moreover, this type of extension is common within the area and the adjacent properties on either side have constructed a similar extension. Furthermore, this extension would project a black wall towards the adjacent neighbour.

Overall, 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 therefore 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.

- The proposed two storey rear extension would have no sufficient impact in terms of overlooking and privacy, as there would be no properties directly to the rear. Furthermore, this extension would have no proposed side windows facing the adjacent properties on either side.
- The proposed first floor extension would have no windows facing towards the side boundary with No. 15..
- In terms of the general prominence and impact on daylight the proposed development would have setbacks on either side of the shared side boundaries. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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.

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 06/06/2023 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	28/07/2023	HL	28/07/23