

DELEGATED REPORT

Report by Amanda

Date of report: 14/07/2022

Ref:68371/FUL

Uhunmwagho

Registration: 12/05/2022

LDfC: 03/06/2022

Expiry Date: 07/07/2022

Site Visit: 24/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of garage and single storey rear extension; Two storey side extension; Two storey/single storey rear extension.

Location: 16 The Avenue, Bury, BL9 5DQ

Description

The application relates to a two storey semi-detached house situated at the head of a cul-de-sac. There is a small front garden with wall along the front and side boundaries with parking on site for one vehicle at the front of the dwelling. There is a detached garage to the rear of the property with access to the rear garden to the side of the house. To the rear there is a private garden area with fencing and planting to all boundaries. There is an existing single storey rear extension.

The proposal is to demolish the existing garage and single storey rear extension and build a two storey side extension and two storey/single storey rear extension. At the side the two storey extension would be set back from the main front elevation by 2m. At the front it would measure 1.1m wide and it would become wider at the rear given the angle that the extension would be built on to the property. The rear of the two storey extension would measure 3.46m wide and the overall length would be 8.56m. The roof would be hipped to the front and pitched to the rear.

The single storey rear extension would project 2m from the original rear elevation and the north side elevation would be built off the shared boundary with no.14 The Avenue (attached) by approximately 250mm. The extension would have a flat roof.

Relevant Planning History

N/A

Publicity

Neighbours notified on 13/05/2022 - Two objections received.

- The extension will result in loss of daylight and its proximity to our boundary will interrupt the view from our lounge because instead of looking out onto a garden we will be faced by a brick wall a matter of feet from where we sit.
- The extension would be built directly on the border with their property blocking light to a first floor bedroom window which is used by their elderly father who spends a lot of time in their room due to their fragile state (mentally and physically). If the extension is built all they would see from this room is an unsightly brick wall and the room would be much darker.
- The bins would have to be kept out at the front of the property at all times, making the area look untidy. Virtually all other houses have access at the side towards the back of the house to place bins.
- The applicant lives in London and does not spend any long periods at this property, she

will not be present when any building work takes place, meaning she is protected from the dust, debris and any rodents that will inevitably come from the demolition, digging etc. My young child who is 3 years old will be playing outside in the garden and this work can pose a serious health and safety risk to him if he is hit by debris or bit by a rodent. Rest assured I will sue the council and the homeowner for any damage done to my family or property from this work.

- I refuse to allow any scaffolding on my premises and this is my permanent stand. As this will mean the current proposed extension and any future repairs to be done, workers will be using my land to put scaffolding on and blocking my access to my garden and garage (I am a property developer so I need access to my ladders and tools etc) plus posing health and safety problems for my family.
- It has come to my understanding that the applicant wishes to use this property as a holiday home- come- airBnB. This will undoubtedly lead to trouble in the area as there will be no control as to who will be residing in the property and late night parties and damage to the area will be rampant and anti social behaviour will occur whilst the applicant will be residing in London.
- All in all this extension is unnecessary as this house is barely used by the applicant except as a second home and even then only herself and her partner have ever resided in it. The work proposed is going to affect my property not just in terms of value of the property but also the health and safety of my family.

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 proposed development would be built with materials and a design that would match the existing building and as the front elevation of the extension would be set back from the existing front elevation by around 2m there would not be any significant detrimental effect on the character of the existing streetscape. 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 -

- As the property is situated at the head of the cul-de-sac it would not directly face other residential properties.
- At the rear there would be over 15m from the rear elevation of the two storey extension to the rear boundary and directly along the rear boundary is a detached garage belonging to Seedfield House with no habitable room windows facing the shared boundary. This distance would be sufficient enough not to have any significant detrimental effect on privacy levels at this property.
- No.14 The Avenue, attached has a ground floor habitable room window on the rear elevation adjacent to the shared boundary. This window is to a living room which also has a window in the front elevation of the property. The proposed extension would be single storey only, it would project 2m from the original rear elevation and the plans show the side elevation would be built around 250mm away from the shared boundary. With this in mind the proposed extension would be considered acceptable in terms of the requirements as set out in SPD 6 and as such although there may be some detrimental impact on peripheral views from the neighbouring window it would not be sufficient enough to warrant refusal.
- There would be one new first floor bedroom window in the side elevation of the two storey rear extension facing the shared boundary with no.14. The agent has confirmed

that there would only be around 6m from this window to the boundary. As SPD 6 requires at least 7m from a habitable room window to a shared boundary the agent/applicant submitted revised plans on 13/07/2022 advising that this window would be obscurely glazed and unopenable up to a height of 1.7m (from the internal floor level). A condition would be added to the decision to ensure this window would remain obscurely glazed at all times in order to retain privacy levels between the new bedroom and the area to the rear of no.14 next door.

- No.18 The Avenue, unattached to the south west has a two storey side extension. There is a kitchen door and window to the front elevation at ground floor level and a bedroom above. There are no windows in the side elevation. Two ground floor windows and two first floor windows positioned towards the front of the extension would be obscurely glazed and a condition would be added to the decision stating that these windows should remain obscurely glazed at all times. This would ensure privacy levels would be retained between the two properties.
- Towards the rear of the extension there would be two secondary kitchen/dining room windows in the side elevation facing the shared boundary with no.18. The main windows to this room would be to the rear elevation of this room. Given that these windows would be secondary to this room and would be at ground floor level any views from them would look on to the boundary fence and not directly towards any windows in the neighbouring property. With this in mind there would be no significant detrimental effect on residential amenity at this property.
- The two storey side extension would bring the side elevation of the property closer to the shared boundary with no.18 which would result in the two storey wall being around 7m away from the first floor bedroom window to the front of the side extension at no.18 (as measured from the central point of the window). As SPD 6 requires a minimum separation distance of 6.5m from a first floor habitable room window to a two storey elevation the distance of 7m would be considered acceptable in this instance.
- The extension would project around 4.6m forward of the front corner of no.18 next door. At ground floor level there is a front entrance door with what appears to be a bedroom above. Any views from that particular window would be over the front garden at no.16 and not directly towards the property itself.
- The shared boundary with no.18 is angled so the extension would be around 1m from the boundary at its closest point. This would be ample room to retain access to the rear of the property.
- The remaining drive space to the front of the property would measure 5.2m which would be acceptable in terms of SPD 6.

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.

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 and this would remain following the side extension being built which would be set back from the front of the property.

The applicant has advised that they are a one car family and there is no reason why this would change in the future. They have also pointed out that they are very close to a major bus route and only a short walk from the town centre and other amenities. Taking this in to account it is considered that the proposed parking space to the front of the property would be sufficient in this instance.

Response to neighbour objections -

Most of the neighbour objections have been addressed in the report above and with the receipt of revised plans on 26/06/2022 and 13/07/2022 which showed a reduction in the size of the proposed two storey side extension.

As the extension would be a minimum of 1m from the shared boundary with no.18 access to the rear of the site would be retained meaning that refuse bins would be able to be stored at the rear of the property as they are now.

It is noted that the neighbour is very concerned about the applicant not being present at the property during the building works and the issues that may arise from this. However, this would not be a Planning concern and does not have any bearing on the planning application. If any problems do occur they would need to discuss this directly with the applicant and/or their construction workers.

The neighbour has advised they would not allow any scaffold on their premises during the build or at any time in the future. This would be a civil matter and not something which is in the Development Management's control. The neighbour concerned would need to discuss this with the applicant directly.

It has also been pointed out that the applicant intends to use the property as an Air BnB. Although this is a genuine concern it could be possible to use a residential property as an Air BnB without the need for planning permission. With this in mind this would not be a reason to refuse the current application.

The neighbour has advised they feel the extension is an unnecessary development at this property. It is not for anyone except the applicant(s) to decide what is necessary for a particular site. The application has been addressed using the current policies and adopted guidelines and would be considered acceptable in terms of Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Possible impact on the value of neighbouring properties is not a Planning concern and would not have any bearing on the decision.

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 drawings numbered 063/01/001 Revision B and 063/01/002 Revision B received on 26/06/2022 and drawings numbered 063/01/003 Revision D and 063/01/004 Revision C received on 13/07/2022 as modified by the email from RAHCom Ltd dated 13/07/2022. The development shall not be carried out except in accordance with the details 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.
- 4 Before the first occupation of the extension hereby permitted the ground floor utility room and cloak room windows and first floor landing and bathroom windows on the south west side elevation shall be fitted with obscured glazing and be unopenable up to a height of 1.7m from the internal floor level and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 Before the first occupation of the extension hereby permitted the new bedroom window on the north east side elevation shall be fitted with obscured glazing and be unopenable up to a height of 1.7m from internal floor level and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 14/07/2022			