

DELEGATED REPORT

Report by Jane Langan	Date of report: 09/06/2022	Ref: 68227/FUL
Registration: 07/04/2022	LDfC: 27/05/2022	Expiry Date: 02/06/2022
Site Visit: 09/05/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two/single storey extension at rear

Location: 86 Topping Fold Road, Bury, BL9 7NS

Description

The property is a two storey semi detached house. It has garden to the front and there is no off street parking. A path runs along the side leading to a fenced rear garden beyond which is the rear gardens to 1,2,3 Jenkinson Close. To the rear the site has been extended with a conservatory along the boundary with the adjoining No.88 which is not extended at the rear. To the opposite side No.84 is the same semi type and slightly higher.

The application proposes an extension to the rear that would come out 1m deep as two storey to the party wall side with the ground floor a further 2.5m deep single storey. This would run for 2.3m across where it would become two storey for the full 3.5m depth for the remainder of the rear elevation. The extension would form a conservatory room at ground floor with an additional bedroom at first floor. The proposal has been revised from the original submission for a two storey the full width as it would not have complied with the criteria as set out in SPD6.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposed extension would have a dual pitched roof forming a rear gable to the deeper section and be flat roofed to the single storey and 1m deep two storey. Located at the rear it would not be visible from the main street view. Materials would be brickwork to match and roof tiles to match where pitched.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 2 to 3 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 2 parking spaces. As existing the site has no off street parking. There may be potential for this to be created to the front garden should the applicant should require it, this has been done on some of the neighbouring properties. The area has on street parking and there is public transport available. In this instance then there are not considered to be grounds for refusal with regard to the parking arrangements.

Residential amenity - In relation to the adjoining No.88 then where two storey along the boundary the proposed extension would project only 1m deep. The ground floor would project to 3.5m. Generally SPD6 considers 3m along a boundary to be acceptable. In this

instance then the proposal would be a further 0.5m deep. A material consideration is the larger homes scheme which allows semi detached properties to extend up to 6m deep single storey where no objections have been received. None have been received in this case.

No.84 to the opposite side is the unattached neighbour and the proposal would be two storey to this side. There would be no encroachment across a 45 degree line from the mid point of the principle windows which are located to the party wall side. In terms of the outside space to this neighbouring property then the proposal would be to the south side however it would be set in from the boundary there is a gap between the properties of approximately 3m. As such it would not cause overshadowing to an unacceptable level. No concerns have been raised by No.84. There would be a bathroom window added to the existing first floor side elevation of the site to this side and a condition is added for this to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor window to the boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 Sam01 existing plans and elevations, Sam01 proposed north side elevation, Sam01 rev01A existing and proposed floor plans, proposed rear elevation, proposed south side elevation 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 Before the first occupation of the extension hereby permitted the proposed bathroom window to the first floor north side elevation shall be fitted with obscured glazing 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.

DELEGATED REPORT

<u>Case Officer</u> JL	<u>Date</u> 09/06/22	<u>Sign off Officer</u>	<u>Date</u>
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