

DELEGATED REPORT

Report by Tom Beirne	Date of report: 03/05/2023	Ref: 69372/FUL
Registration: 16/03/2023	LDFC: 20/04/2023	Expiry Date: 11/05/2023
Site Visit: 18/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Part single/Part two storey extension at rear and First floor extension at side

Location: 29 Chestnut Avenue, Tottington, Bury, BL8 3EE

Description

The application relates to a two storey semi-detached house on a residential road of similar properties. Driveway/hardstanding to the front and single storey outrigger to the side. There is also a large outbuilding at the rear of the back garden. The attached neighbour at No.31 has not been extended and the neighbour on the other side has a single storey garage on the shared side boundary, projecting slightly back from the rear elevation. .

The proposed two storey extension at the side would be flush with the front of the existing house and run back to the rear elevation where it drops down to single storey. It would have a pitched roof carried over onto the existing.

The single storey, flat roof rear extension would project out 4.2m and run across 3m to join onto a proposed two storey extension, also with a projection of 4.2m. The two storey extension would have a pitched roof running into the main roof at a lower level. There would be a gap of 3m between the two storey extension and the shared side boundary with the attached neighbour at No.31. The proposed finish to extension and house would be a K-render and tile.

Relevant Planning History

68103 - Two storey extension at rear; First floor extension at side - 26/01/2023

68103 - Two storey extension at rear; First floor extension at side - Refused 24/06/2022

Publicity

Immediate neighbours notified by letter dated 29/03/2023. One objection from the attached neighbour at No.31 Chestnut Avenue. Summarised below:

Though it is noted to be a slight improvement on the previous applications, it still appears to be a proposal of 2 stories high and of significant size, similar to placing the same size of current house onto the rear of the property (next door to my property which hasn't been extended in any way). This would be visually overbearing to say the least, and along with loss of light and privacy be of significant impact.

The back garden has had a large structure erected in the form of a summer house / outbuilding, which again is significant in size (both height and width), and has had an impact on my view and privacy, as it takes up the full width of the garden and has windows and a seating area facing back towards the properties, it has also blocked the view to some of the open space behind my property. This additional build in application 69372, would take up most of the remaining garden (my understanding was that rules and guidance were in place on the % footprint that can or should be built on)

The new building will remove all of my remaining view and a significant amount of light, this will also impact my relaxation and downtime as this outside space is used to relax and on

some occasions entertain.

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 - In design terms the proposed extensions, although large, are in keeping with the existing building. The side extension would not appear incongruous within the streetscape and the rear extensions would not be readily visible from the public arena. The extensions would be finished in materials in keeping with the house. The proposal is now acceptable and complies with UDP H2/3 Extensions and Alterations and associated guidance.

Residential amenity - The two storey extension would be set off from the attached neighbour by approximately 3m and complies with the '45 degree' guide in relation to the nearest habitable room window (lounge) on at No.31. In relation to the garden, the extension should not have a serious overshadowing impact.

With regard to the unattached neighbour at No.29, the flat roof single storey extension would run out 4m from the rear elevation along the shared side boundary. Situated between the existing garage and garden shed on the boundary, the single storey extension would have little impact on No.29. The two storey extension would also have limited impact as it is set away from the side boundary by 2.7m with the single storey extension and neighbour's garage in between. There is no direct overlooking of either neighbour.

In terms of residential amenity, the proposal appears to address issues from the previous refusal and is now acceptable and complies with UDP Policy and guidance within SPD6 relating to extensions and alterations.

Parking - There is parking on the frontage for 3 cars and this is not impacted. Complies with UDP Policy H2/3 and guidance in relation to extensions.

Objection - The objections from the neighbour have been addressed in the above report. Main views from the rear of the neighbour at No.31 are to the rear over open land and the proposed development would not have so significant an impact as to warrant refusal. The proposal complies with UDP Policy and guidance within SPD6 relating to extensions and alterations.

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 HP-CHA-01Rev, 02 and 03 (existing and proposed) 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

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pursuant to the policies of the Bury Unitary Development Plan listed.

- 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	03/05/2023	DM	04/05/23