

**Ward:** Ramsbottom + Tottington - Tottington

Item 02

**Applicant:** Mr Omair Akram

**Location:** 11 Brookthorpe Road, Bury, BL8 3AB

**Proposal:** Two/single storey rear extensions; Alterations to roof and windows

**Application Ref:** 66423/Full

**Target Date:** 23/03/2021

**Recommendation:** Approve with Conditions

**This is a householder application that has been called in for determination by the Planning Control Committee.**

**At the previous Planning Control Committee a site visit was requested prior to determination at this Committee.**

### **Description**

The application relates to a two storey detached house situated within a large garden on an unadopted residential cul-de-sac, off Walshaw Road to the south of Walshaw.

The access to the house is in the north west corner of the plot where gates open onto the driveway at the front of the house. The attached neighbour at No.5 has a single storey extension at the rear, projecting out approximately 4m along the shared side boundary. The neighbour at No.9 has previously been extended up to the side boundary with the site and has a landing window on the gable at first floor.

The proposed extensions are as follows:

The first floor, dormered section of the existing house would be extended to form a full first floor level with a new hipped roof over the house.

At the rear, on the east side, the existing conservatory would be demolished and a part two/part single storey extension constructed that would project out 6.2m to the line of the existing rear/east elevation. On the north side of the house, there would be a single /two storey extension.

Beyond the line of the existing rear/east elevation, there would be a new flat roof single storey extension and a two storey extension at the south-east corner of the house.

The extended house would be rendered with the roof tiled. The extension would facilitate larger dining and kitchen areas at ground floor and a new bedroom and en suite/ bathroom facilities.

### **Relevant Planning History**

N/A

### **Publicity**

Immediate neighbours notified by letters dated 27/01/2021(initial plans), 17/03/2021 and 31/03/2021 (revised plans).

Objections were received with regard to the initial plans from the following addresses: Nos.461, 463, 465 and 467 Walshaw Road and No.2 Brookthorpe Road

- Loss of privacy - the proposed two storey extension will overlook our property as it will be much closer due to the proposed increase in size. The addition and increase in numbers

and size of windows than is currently in place both on ground and proposed first floor elevation will result in the loss of our privacy.

- The proposed extensions size is overwhelming and will result in loss of light.
- The removal of the double garage reduces the number of off-road parking spaces that will have an adverse impact on road safety. Cars will be forced to park on the narrow, private road increasing risk for motorists and pedestrians as there is no pavement.
- The proposed development will also change the character of the neighbourhood as the existing building has its own special charm. This will not be the case with the proposal as it stands.
- The proposed extensions will be much closer to our property and as a result we will incur an increase in noise.
- I object to the building application on the grounds of light. It will have a devastating effect on the South elevation of my property casting my house into shadow all year round.
- The proposed building will be 7.084 metres high and will be extremely close to the boundary of my land. I object to the roof design shown in the plan, it is flat and does not conform to the overall style of the existing house.
- I am concerned also what effect Construction traffic will have to the surface of the private road (Brookthorpe Rd) and what safeguards we have that the contractors will make good any damage to the road if such plans are passed to build the proposed extensions.
- The height of the extension will cause a loss of enjoyment of our garden as it will be left entirely and constantly shaded, and a loss of amenity to our home as it will significantly block daylight to the rear ground floor.
- The plans lack sensitivity to the appearance and character of the house and other existing properties in the area. The size of the house will be almost doubled, thus becoming out of scale and overdeveloped. Its new height will dominate and loom over other houses.
- Brookthorpe Road is a narrow, private road. Residents do not park on the road as it restricts access. The plans get rid of the existing garage and do not replace it, resulting in insufficient off road parking remaining for a house of this size.
- Brookthorpe Road is tree lined and open. The extension will have a significant visual impact on the area, blocking light and views and resulting in a loss of amenity for the neighbourhood.
- The owners must be required to pay for any damage caused to the private road.
- The double extension is exceedingly close (approx 50 cms according to plan scale) and the single extension approx 1 metre from the boundary of our garage and outbuilding at the closest points. The increased proximity and size would be out of scale and overbearing in relation to our existing houses, affecting our visual amenity and that of the immediate area.
- The proposed plan appears to include the partial/full removal of the outbuilding which is connected to our tandem garage. In addition to the close proximity of the extension, we are concerned about this will effect the integrity of our foundations.
- Insufficient parking due to garage removal.

One comment in support received from the occupier of 2 Holbeach Close.

- The proposed plans are not too significant compared to the existing. The height of the house is staying the same as the existing and not changing whatsoever.
- Looking at the satellite view on google maps there is ample space at the front of the property in the driveway for parking cars so there is no blockage of the private road.
- The double storey extension is getting built within the same perimeter of the existing building so I can't see that making a difference to the light.
- Privacy wise most of the windows on the east elevation are pre-existing on the current building.
- The existing house is very outdated and is definitely in need for some cosmetic love.

Following renotification of revised plans the occupiers of No.465 Walshaw Road:

- The revised plan will still cause significant loss of daylight to the rear ground floor of our home and shading to our garden as a result of the first storey addition to the East

elevation.

- The window on the North elevation for the bathroom is shown as a standard half opening window with the bath directly below it. My children's bedrooms will look down into the proposed window and into the bath and therefore this window should be of restricted opening and the glazing obscured/frosted.
- The revised plans still do not pay regard to the individuality, proportions and character of the original 1930s building, to the detriment of the neighbourhood. In particular, architectural features such as the inset windows at the front to the property have been eliminated and replaced with bland, oversized panes of glass.
- This is still a speculative plan to overdevelop a unique property rendering it materially changed in its design and scale and devoid of its original character.

Following publication of the officer report, the occupier of 465 Walshaw Road has submitted further comments.

The officer report relies very heavily on the suggestion that there will be no loss of visual amenity in the area due to screening provided by substantial hedges along the side and front boundaries to 11 Brookthorpe. These hedges are mentioned several times in your report; the hedge that borders the edge of Brookthorpe Road is of mixed planting, including conifer and rhododendron, and the one to the side is conifer. However, no provision has been made in your report that the owners and occupiers of the property must retain and maintain these existing hedges at a height to preserve the screening element.

Therefore, in order to save time and discussion at the meeting, I wonder if your report could be amended in advance to include a Condition to this effect to ensure that this hedging and screening is not removed should the alterations be approved?

The occupiers of 463 Walshaw Road have also made a further representation, maintaining their objection with regard to overlooking and requesting a site visit.

Those making representations have been notified of the Planning Control Committee.

### **Statutory/Non-Statutory Consultations**

None relevant.

**Pre-start Conditions** - None relevant.

### **Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| NPPF  | National Planning Policy Framework |
| EN1/2 | Townscape and Built Design         |
| H2/3  | Extensions and Alterations         |
| HT2/4 | Car Parking and New Development    |

### **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** - The house sits within a large plot surrounded by other residential properties. The house is partly screened from the road by a substantial conifer hedge at the front. Although the proposed alterations and extensions are substantial and move away from the Arts and Crafts style of the original house, the house has already been substantially extended and in terms of scale, the proposed alterations would not be significantly out of keeping within what is a large residential plot. In terms of appearance, the extended house is surrounded by a mix of house styles and would not be particularly prominent from the road or longer range views from the public arena due to substantial mature boundary planting along the frontage with Brookthorpe Road to the west. Views from properties to the rear/east and side/south would be significantly screened by existing boundary planting. The extended house would be viewed from neighbours properties situated to the north although the views are across existing gardens with outbuildings in between at distances of around 20m.

Given the size and position of the extended house, in terms of visual amenity the proposal would be acceptable and complies with UDP Policy H2/3 Extensions and Alterations and associated guidance document SPD6 Alterations and Extensions.

**Residential Amenity** - In terms of residential amenity, the main impact on neighbours would be on the north side where the extensions are closest to the northern boundary with properties 463 to 467 Walshaw Road. The original plans indicated a full two storey element adjacent to the boundary. Following concerns raised that this element would appear rather overdominant in relation to the neighbours to the north, the plans were amended to move the first floor element away from the north side to the south-east corner of the house.

In terms of distances between properties, there would be approximately 20m between the

rear elevation of No.465 Walshaw Road and the side of the extended house. In between, at the end of the garden of No.465 is a detached garage. There is a similar separation distance between the rear of No.463 and the two storey extension at the rear of the house, also with a garage in between. With the extended house directly to the south of the properties on Walshaw Road, the impact on the garden areas with regard to the sun's aspect and overshadowing would not be so significant as to warrant refusal.

With regard to privacy and overlooking, there are no new habitable room windows that would be facing directly into neighbouring properties to the north. The new first floor window would be an obscure glazed bathroom window. The new windows at the rear would overlook the existing large garden area and would not cause any issues. A condition would ensure that the side bathroom window would remain obscure glazed.

Given the above, the proposal is considered to be acceptable and compliant with UDP Policy H2/3 Extensions and Alterations and supplementary guidance document SPD6.

**Parking and access** - The existing access would be retained and whilst the proposal involves the conversion of the existing integral garage, there is sufficient space to the front of the house to park at least two cars. This arrangement is considered acceptable and complies with UDP Policy H2/3 Extensions and Alterations with regard to access and parking.

**Public Representations** - The planning issues raised by the objectors have been addressed in the above report. Issues relating to the boundary and structure would be addressed by the Party Wall Act rather than planning regulations.

Whilst the report indicates that there is a mature conifer screen along the frontage which reduces the impact of the house on the streetscape, it would be considered over restrictive to attach a condition requiring the hedge to be retained. Even without boundary screen planting, it would be difficult to support a reason for refusal on these grounds.

### **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/ 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 Existing 001, A1317(02)001/G and 002A 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. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted

to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

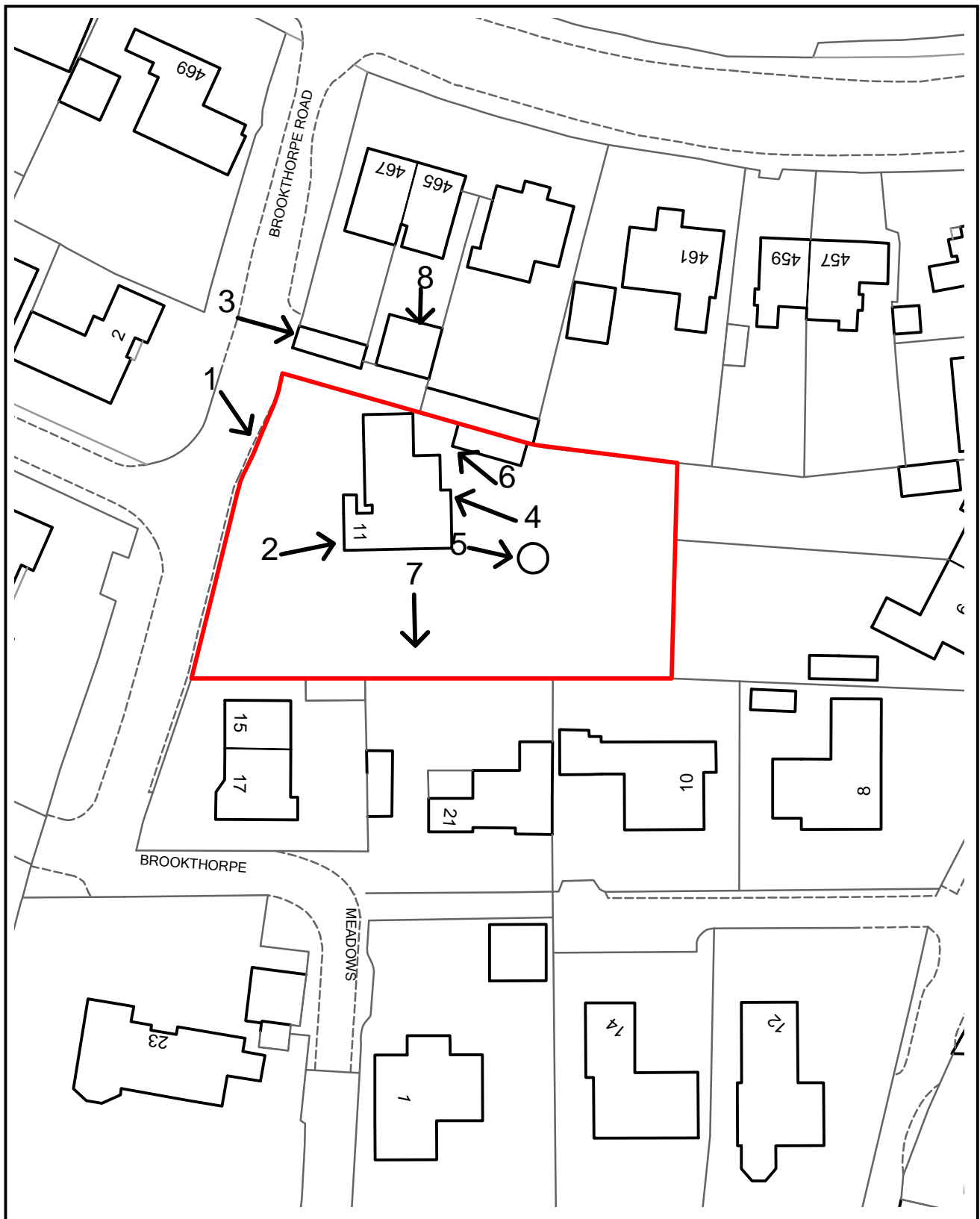
4. Before the first occupation of the extension hereby permitted the first floor bathroom window on the north elevation shall be fitted with obscured glazing (min obscurity level 3) and non-opening below 1.7m (from floor level) and shall be permanently retained in that condition thereafter.

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.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**



# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 66423**

**ADDRESS: 11 Brookthorpe Road  
Bury**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

66423

Photo 1



Photo 2





Photo 3



Photo 4





Photo 5



Photo 6





Photo 7

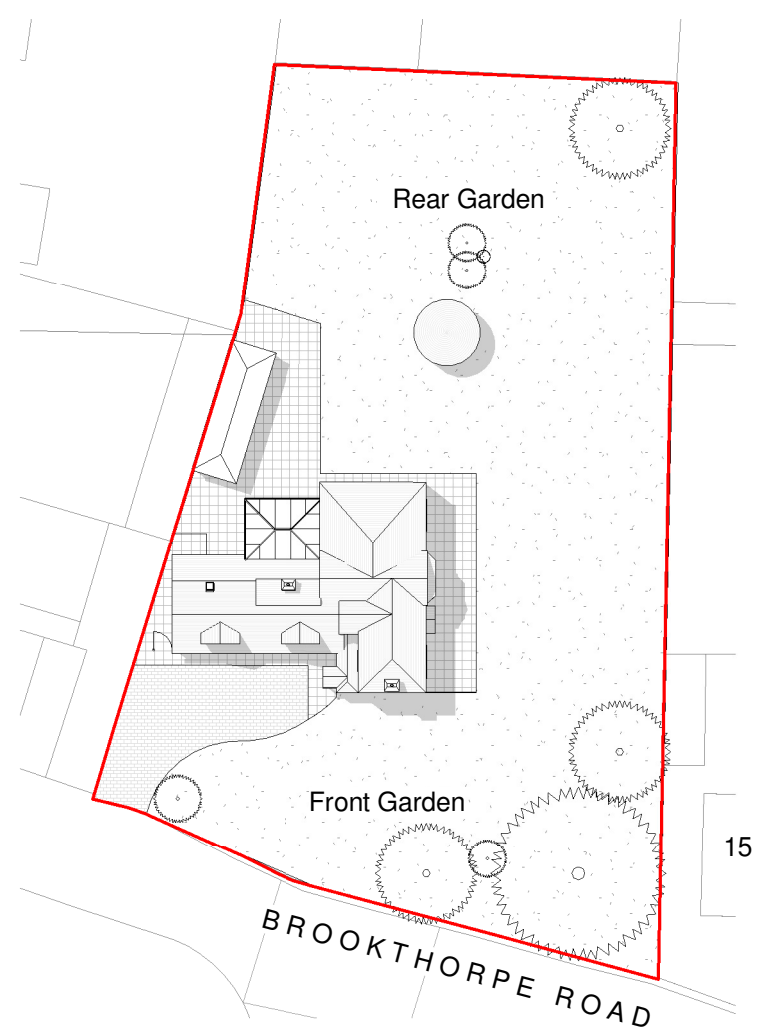


Photo 8

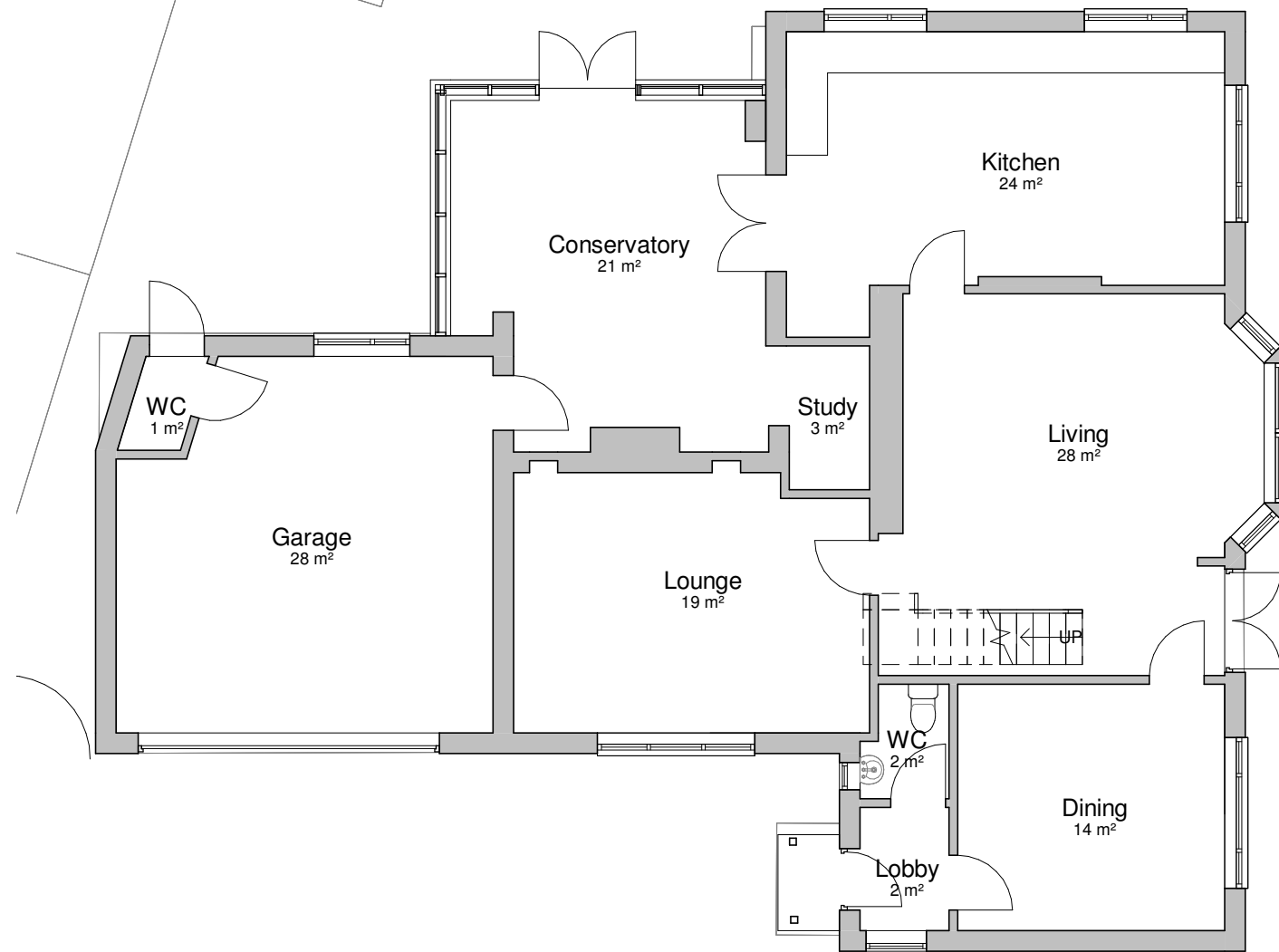




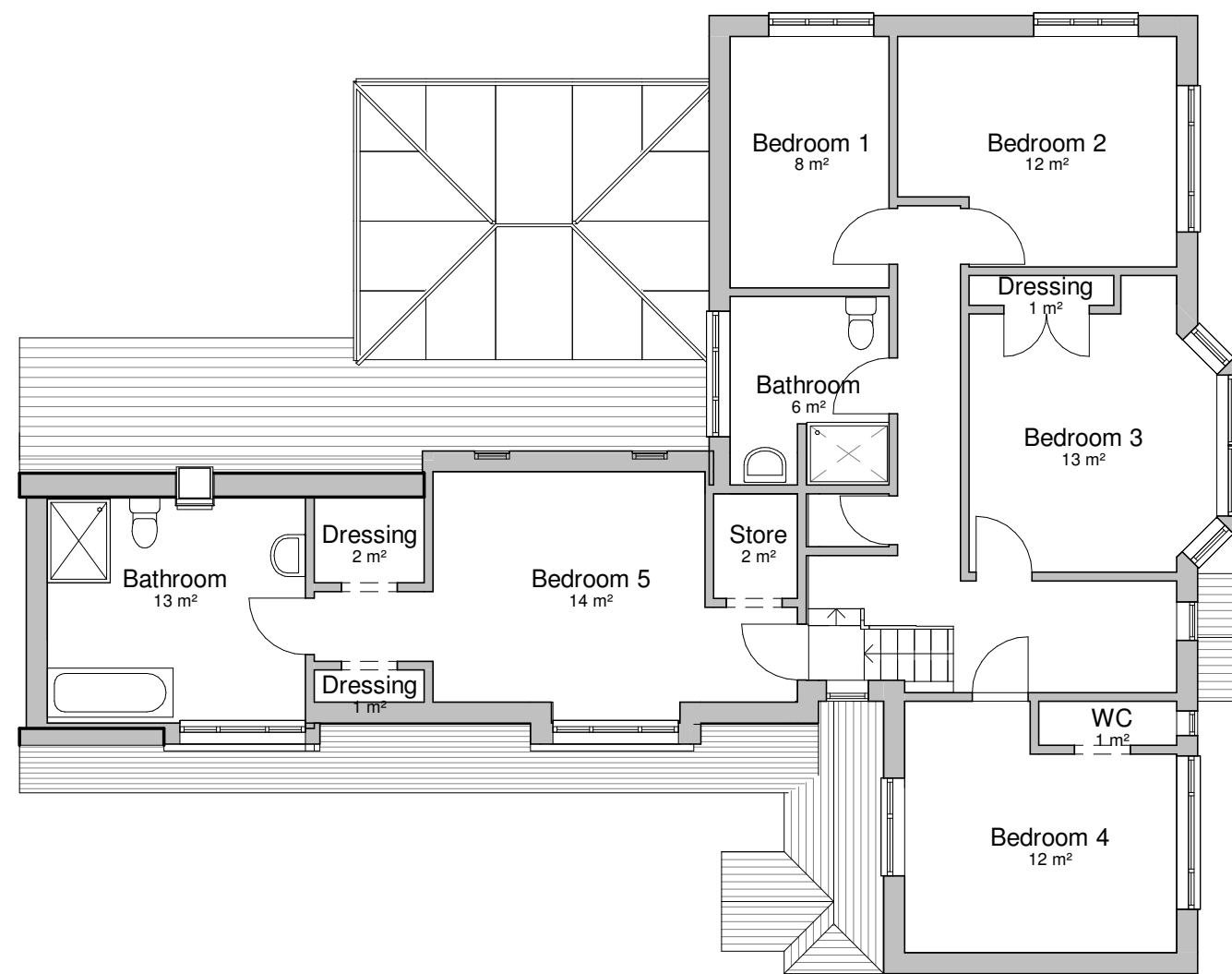
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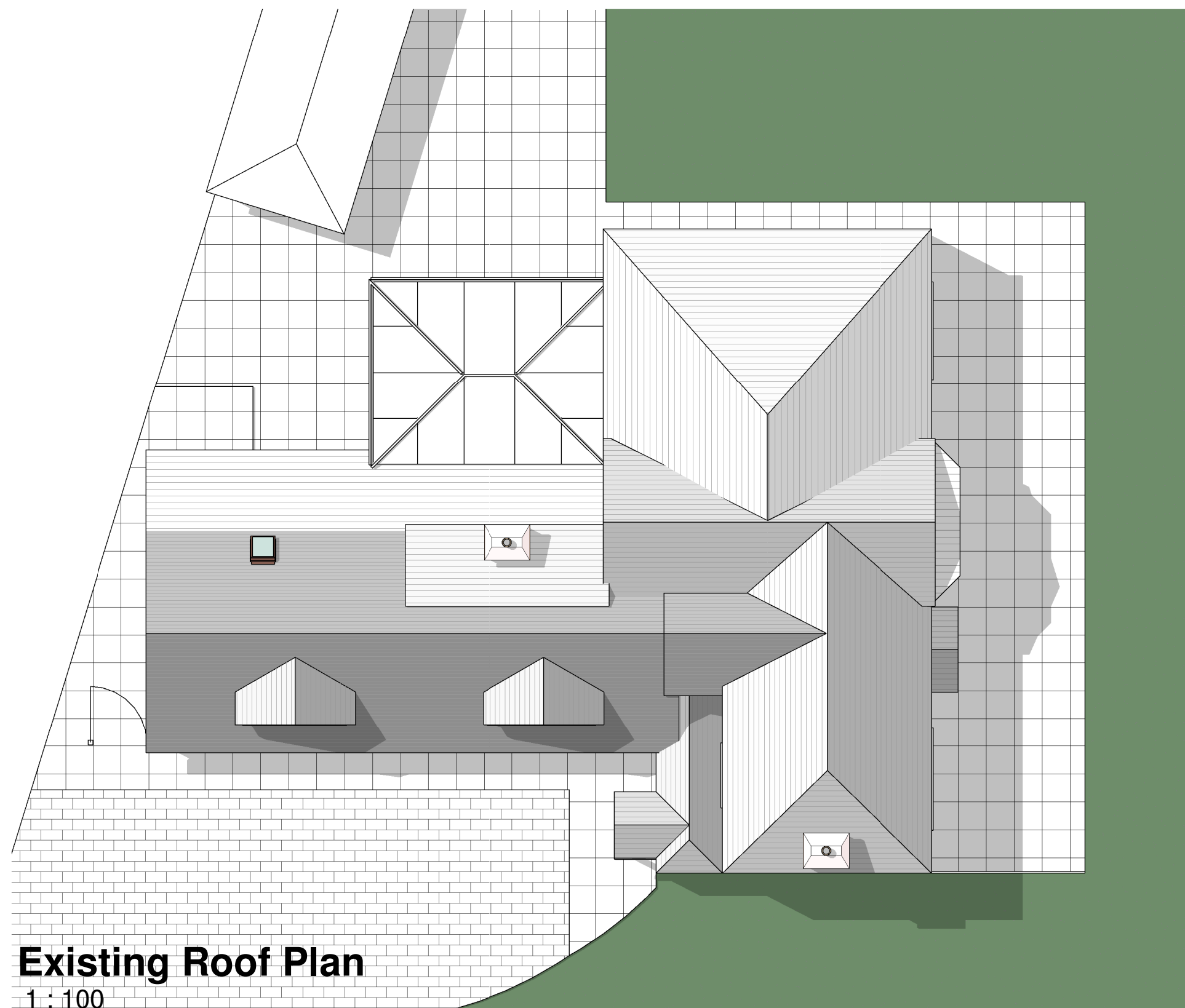
Existing Site Plan  
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Existing Ground Floor Plan  
1 : 100



Existing First Floor Plan  
1 : 100



Existing Roof Plan  
1 : 100



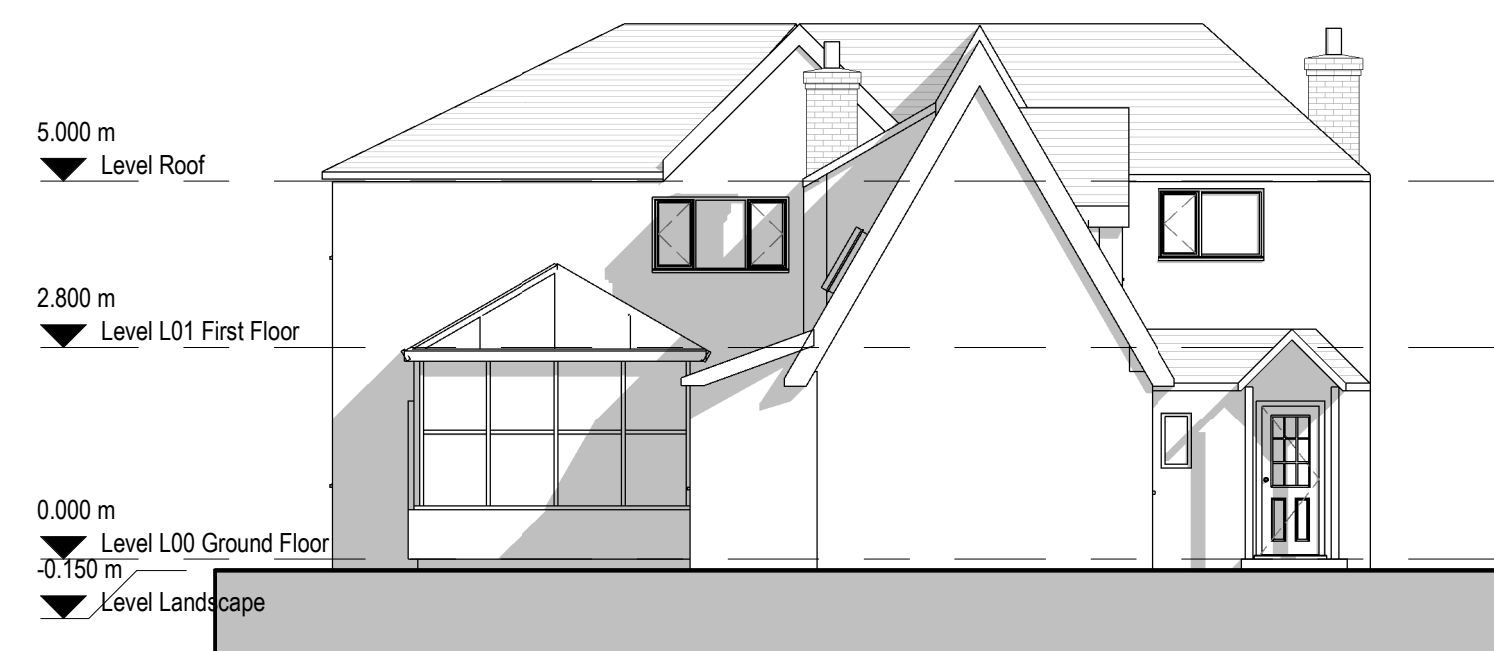
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Existing South Elevation  
1 : 100



Existing East Elevation  
1 : 100



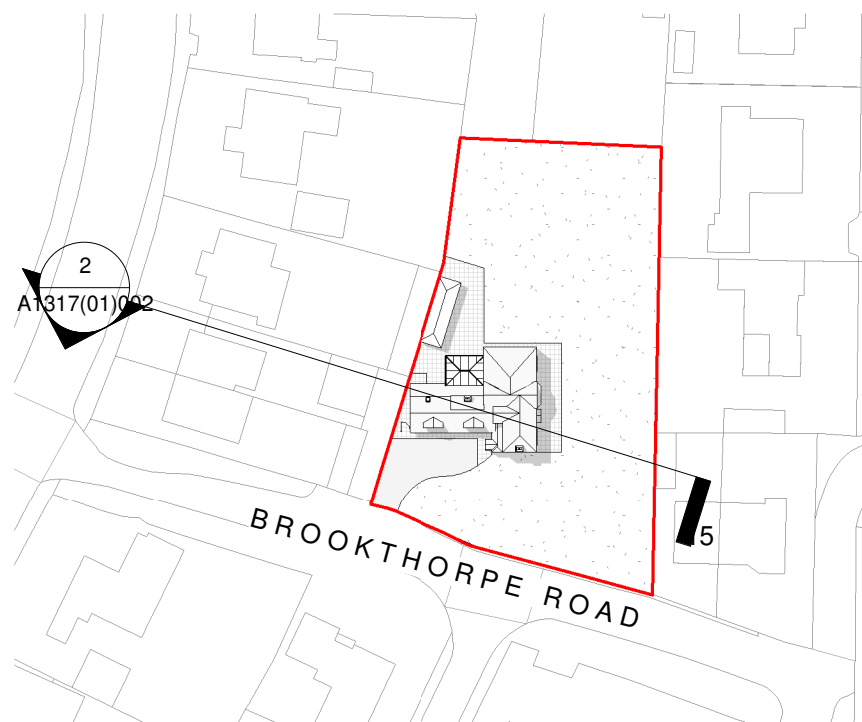
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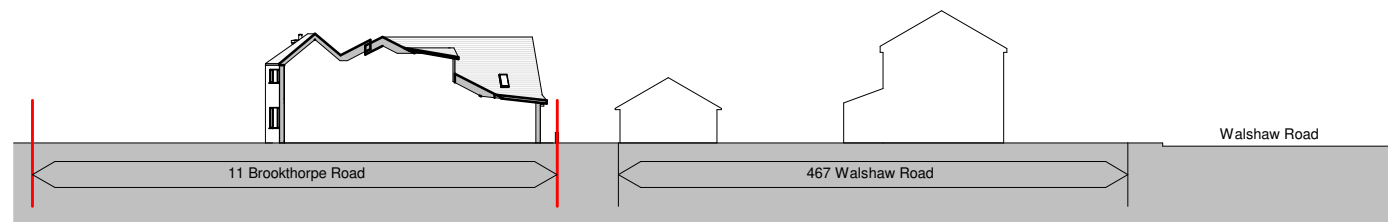
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1 **Key Plan**  
1 : 1000



2 **Existing Site Section**  
1 : 500

0 10 20 30 40m 1:500

05/03/21 SA SH Initial Issue  
No. Date Dwn Chk App Revision or reason for issue

Client

Omar Akram

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Project Title

11 Brookthorpe Road, Walshaw,  
Bury, BL8 3AB

Scale / North Point

As indicated

Drawing Title

Existing Site Section

Drawing Number

A1317(01)002

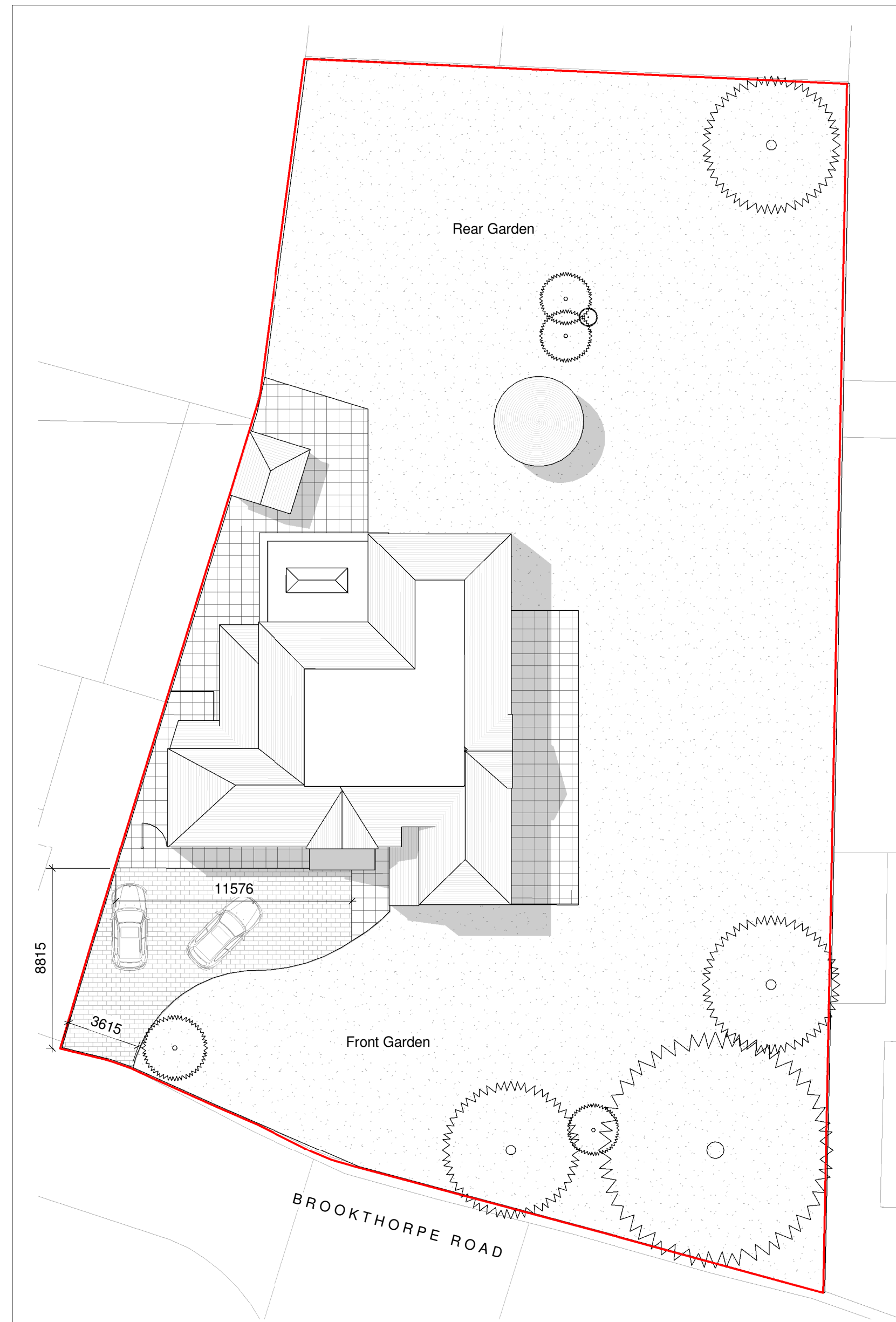
Drawing Status

Preliminary

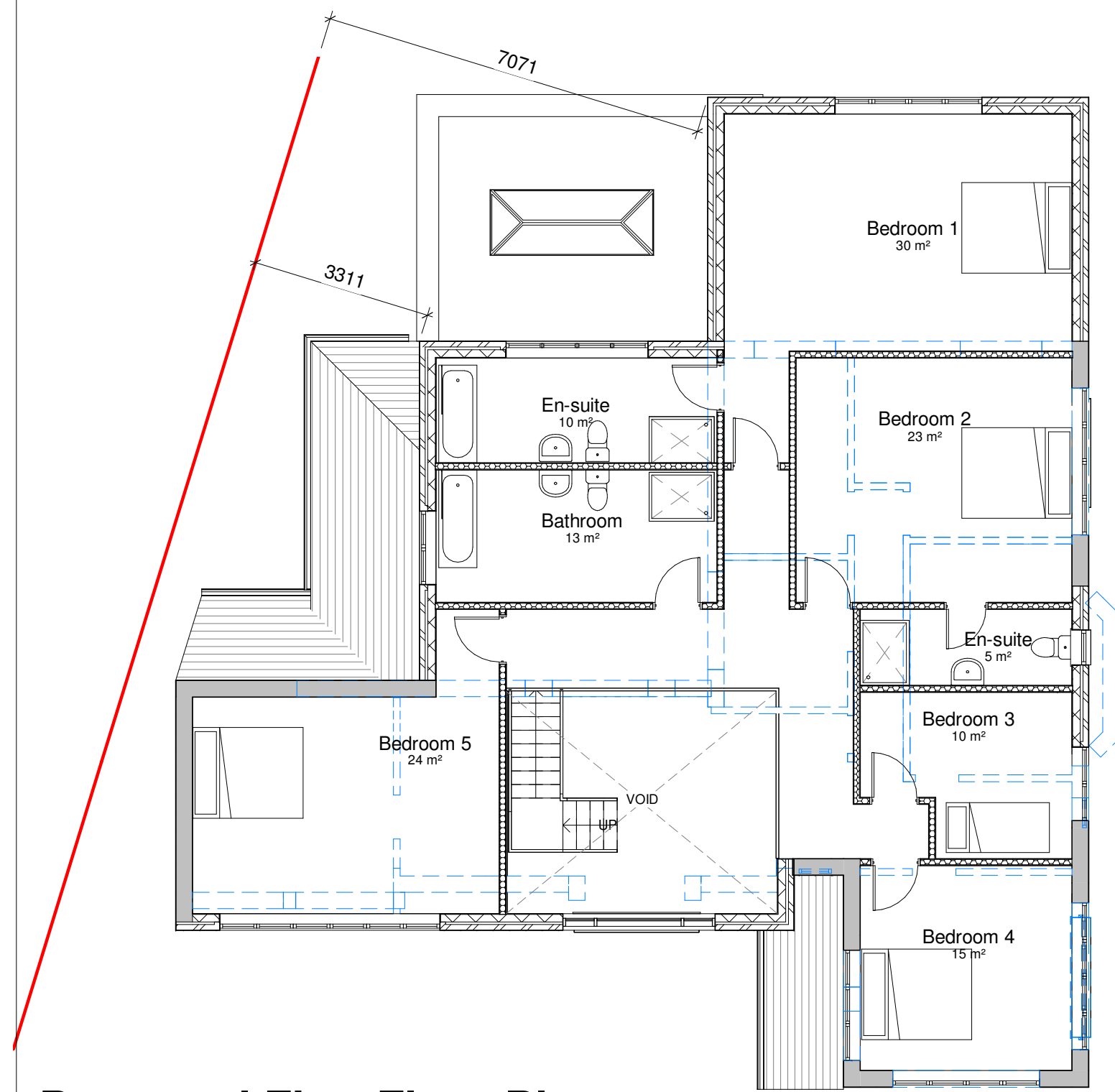
Revision

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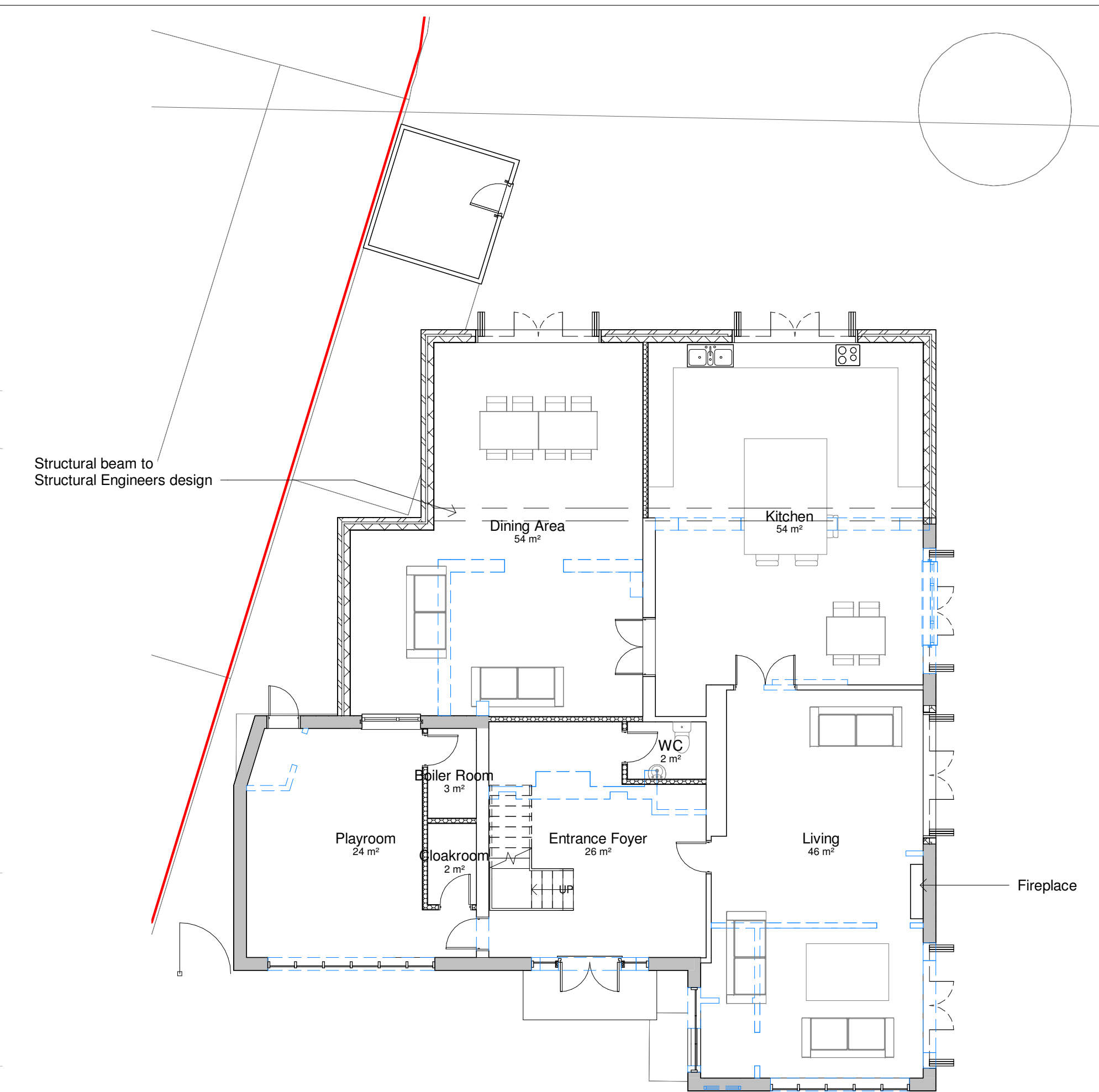




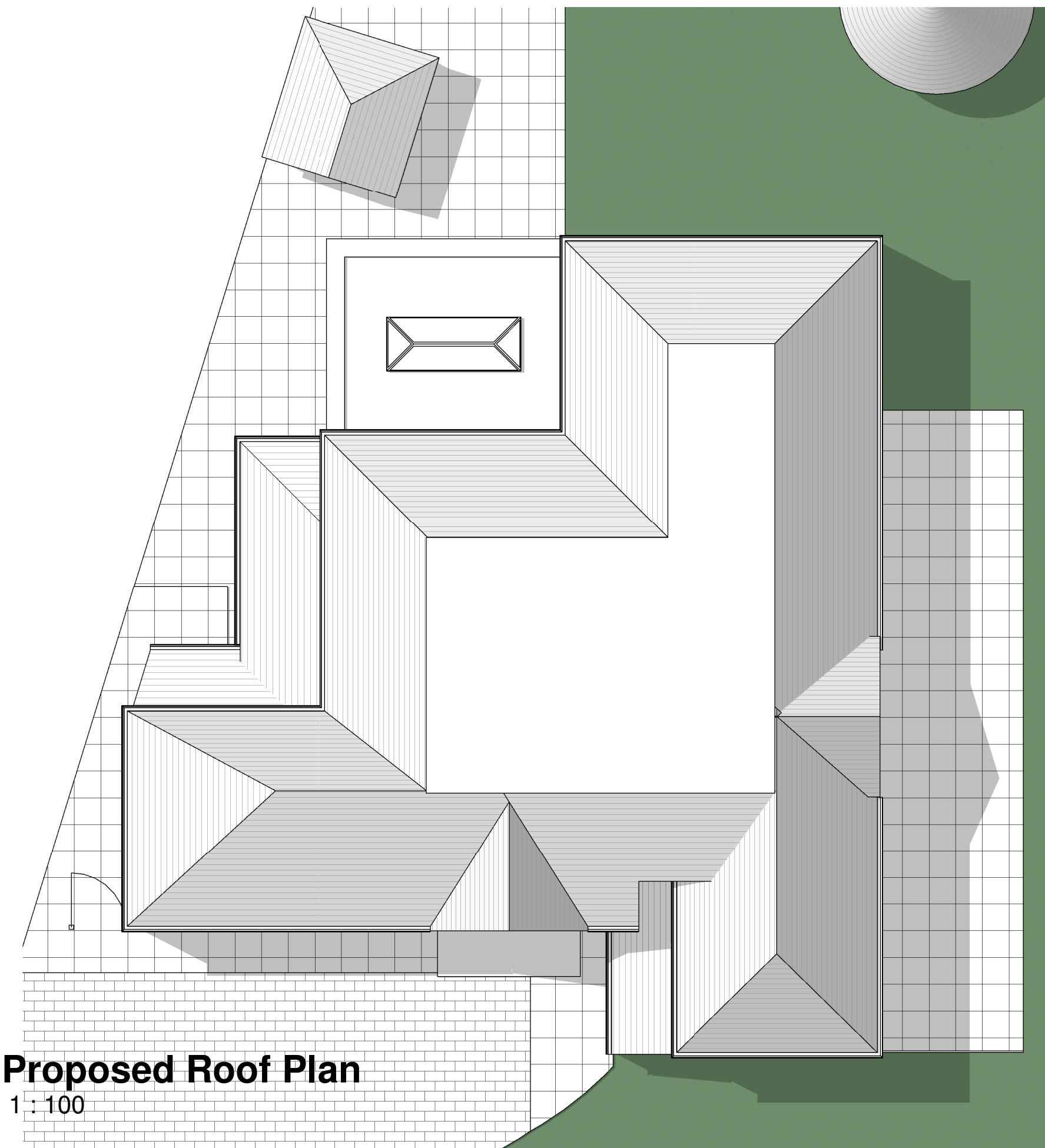
**Proposed Site Plan**  
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**Proposed First Floor Plan**  
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**Proposed Ground Floor Plan**  
1 : 100



**Proposed Roof Plan**  
1 : 100



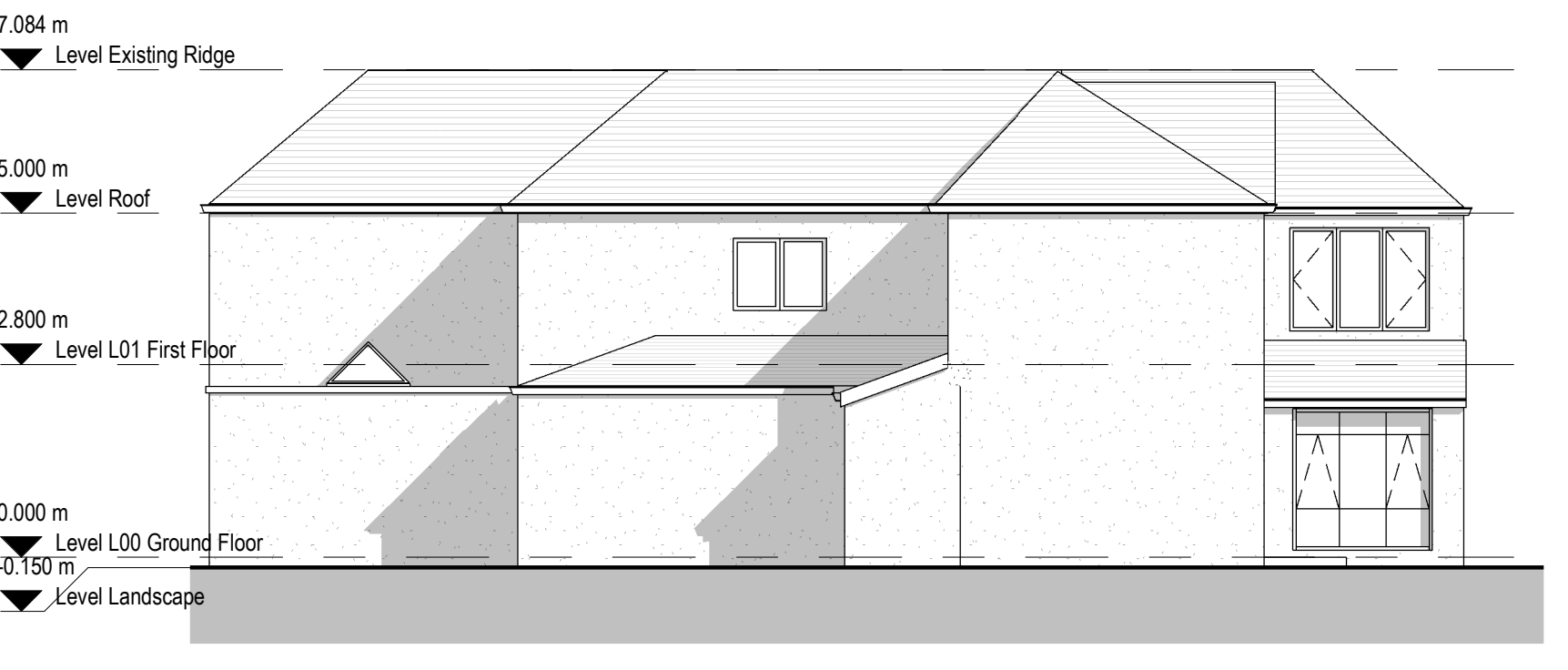
**Proposed West Elevation**  
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**Proposed South Elevation**  
1 : 100



**Proposed East Elevation**  
1 : 100



**Proposed North Elevation**  
1 : 100

**LEGEND**

- Site Boundary
- Fabric Removal

|     |          |       |     |               |                              |
|-----|----------|-------|-----|---------------|------------------------------|
| G   | 15/03/21 | HG    | SH  | Amended plans |                              |
| F   | 15/03/21 | HG    | SH  | Amended plans |                              |
| E   | 26/01/21 | HG    | SH  | Amended plans |                              |
| D   | 14/01/21 | HG    | SH  | Amended plans |                              |
| C   | 14/01/21 | HG    | SH  | Amended plans |                              |
| B   | 13/01/21 | HG    | SH  | Amended plans |                              |
| A   | 12/01/21 | HG    | SH  | Amended plans |                              |
| -   | 08/01/21 | HG    | SH  | Initial Issue |                              |
| No. | Date     | Drawn | Chk | App           | Revision or reason for issue |

Client

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Project Title  
11 Brookthorpe Road, Walslow, Bury, BL8 3AB

Scale / North Point

As indicated

Drawing Title  
Proposed Plans and Elevations

Drawing Number  
A1317/02/001

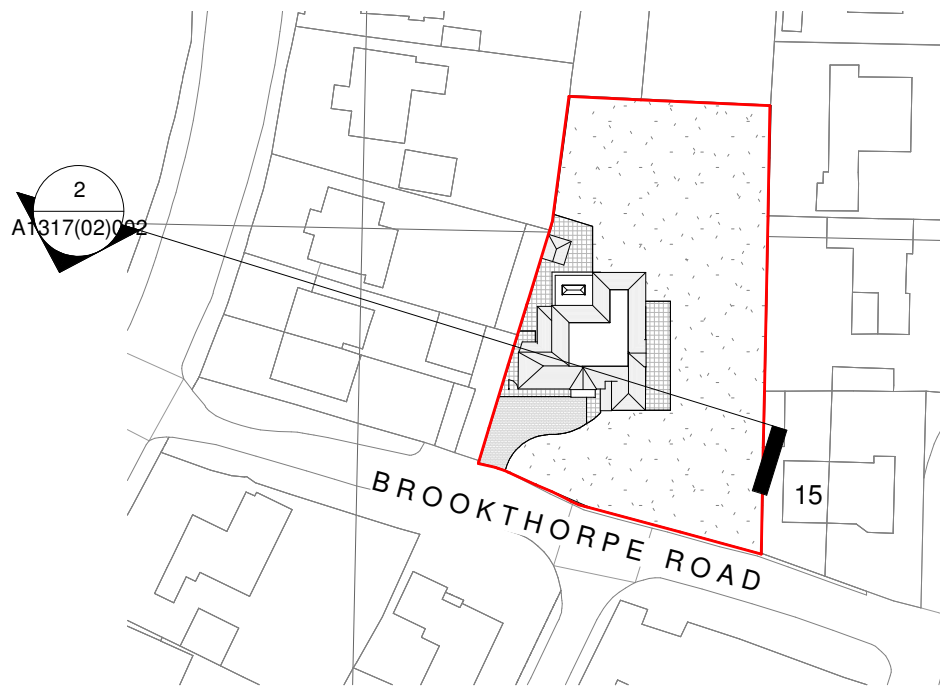
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Revision  
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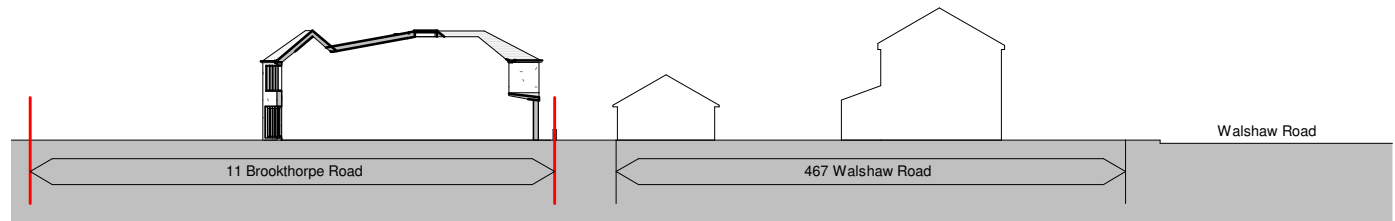
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1 Key plan  
1 : 1000



2 Proposed Site Section  
1 : 500

0 10 20 30 40m 1:500

A 15/03/21 SA SH Amended section  
- 05/03/21 SA SH Initial Issue  
No. Date Dwn Chk App Revision or reason for issue

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