

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/01/2024	Ref: 70262/FUL
Registration: 21/11/2023	LDfC: 12/12/2023	Expiry Date: 16/01/2024
Site Visit: 12/12/2023	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: Loft conversion with rear dormer and hip to gable roof extension

Location: 1 Bramley Drive, Bury, BL8 1JL

Description

The application relates to a semi-detached bungalow on a residential road in an area characterised by a mix of bungalows and two storey housing. The property has a small flat roof conservatory at the rear. The attached bungalow has not been extended. Directly to the east are the rear gardens of properties on Purbeck Drive. There is distance of approximately 13.5m between the rear elevation of No.19 Purbeck Drive and the side of the house subject to the application. There is a detached garage in the rear garden of No.19 Purbeck Drive, close to the rear boundary.

The proposal involves forming a gable at the eastern side of the property and adding a flat roof dormer on the rear roof plane. It would be level with the existing ridge, set in from the side by 400mm and up from the eaves by 300mm. The gable and dormer would be built in brick and tile to match the existing materials.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 21/11/2024. Objection received from a household on Purbeck Drive to the east. Objections are summarised:

The proposed extension will result in overlooking and the complete loss of privacy. We will all be very reluctant to sit out and relax in the garden. The extension will also lead to a further even more intrusive loss of privacy to our kitchen and living room, and daughter's bedroom, which would cause further anxiety, and have a negative impact on mental wellbeing. One of the main reasons we bought this house, all those years ago, was because this bungalow offered us an increased level of privacy, that could not be found on a more conventional housing estate.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 scheme comprises two main elements, the formation of a gable end and the addition of the flat roof dormer. The new gable would extend up from the side wall to the height of the existing ridge. Whilst it would be more visually dominant when viewed from the rear gardens of neighbours to the east, on Purbeck Drive, the impact would not be viewed from the public realm or so serious or impactful to warrant refusal of planning permission. The addition of the dormer would also have some impact but again, this would not be significant, particularly given the fallback of adding a dormer to the existing roof plane under permitted development rights. The difference between the 'PD fallback' and this proposal is the additional section projecting of the gabled end as opposed to the

current hip. The extensions would be finished in brick and tile to match the property and this is acceptable.

The proposal in terms of visual amenity is on balance acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 Alterations and Extensions.

Residential amenity - With a blank gable, there is no direct overlooking of neighbouring properties from new habitable room windows at the rear. The dormer comprises two bedroom windows either side of central bathroom and stairwell windows and all directly face out over the property's rear garden. From the new bedroom window closest to the garden boundaries shared with properties on Purbeck Drive there would be a degree of overlooking at an angle but this is considered relatively normal in a suburban environment. It is this relationship that the objector is concerned about, however it is not considered that, on balance, the overlooking the neighbour is to such a serious degree to warrant refusal of planning permission in this regard.

The proposal is considered acceptable and complies with UDP Policy H2/3 and SPD6 with regard to residential amenity.

Objection - The issue with regard to privacy and overlooking is addressed in the above report.

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 drawings numbered PCE-Johnston-October-23-BR and PCE-Johnston-October-23-Site Location 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 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	04/01/2024	DM	05/01/24