

Description

The property is a semi detached dormer bungalow. It has an attached flat roofed garage at the side that runs into a dining room to the rear. The adjoining neighbour is No.3 and to the opposite side is a gap to the rear of terraces on Church Street.

The application proposes to extend above the garage and dining room at the side and including extending the front and rear dormers. The extension would form an additional bedroom with wc.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and 5 responses have been received from nearby neighbours. Their concerns in summary are :-

- Loss of light to properties at rear
- Loss of privacy to properties at rear
- obscure glazed window may be fitted with an opening
- Overbearing to properties at rear
- Does not comply with 13m separation distance of SPD6
- Bulky and incongruous in the street scene
- Planning department are bound by Human Rights Act. Right to privacy. Breach of this is by a public body is an offence.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 pitched roof running from the main ridge and forming a side gable wall, in two sections as the garage extends out deeper. The existing dormers to the front and rear extended across to within 0.5m of the roof edge. Materials would be to match the existing.

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 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 is fully surfaced to the front for parking and can accommodate 2/3 vehicles. The area also has on street parking and there is public transport available. The parking arrangements are then sufficient.

Residential amenity - The development would be located to the side that borders the back access gap to the yards of terraces on Church Street. The properties themselves are slightly lower and face at an angle towards the site. Those that have the most direct facing relationship are Nos.83 & 85. At ground floor they have one window and door.

SPD6 sets out aspect standards in order to maintain adequate privacy distances and avoid overbearing relationships. It requires a minimum of 13m between a principal window to a ground floor habitable room in one property and a two storey blank wall of a neighbouring property. There would be a distance of 12-13m between the properties that have the most direct relationship. The site plan 29D provided with the separation distances is inconsistent with the 1:1250 Ordnance red edged plan in terms of the position of the properties at 81-85 Church Street to the east. It does however show that the minimum separation distances are not met. Revised plans were requested removing the section above the garage, to the east side that extends out wider, and which would then allow for an adequate separation distance. The agent has requested that the application is assessed in its present form but with the omission of a window to the top of the side gable

wall. With the separation distances sub standard the proposal would result in an overbearing relationship with the properties at 83 & 85 Church Street. As such the proposal would be detrimental to the residential amenity of these neighbouring properties and is therefore contrary to UDP Policy H2/3 and SPD6.

In terms of privacy the proposed first floor rear window would face directly down the back access gap.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties in terms of visual amenity but is contrary with regard to residential amenity.

Response to objections - The issues regarding human rights, visual amenity and impact on the relevant neighbouring properties are addressed in the above report.