

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 12/01/2022

Ref:67653/FUL

Registration: 28/10/2021

LDfC: 19/11/2021

Expiry Date: 23/12/2021

Site Visit: 03/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Loft conversion with rear dormer

Location: 26 St Peters Road, Bury, BL9 9RB

Description

The application relates to a two storey semi-detached house on a residential street of similar properties. The attached neighbour has a single storey kitchen extension at the rear plus a rear dormer and the neighbour on the other side (separated by the highway) is as originally built. The neighbours to the rear have trees and shrubs on the boundary.

It should be noted that at the rear of the property there is an existing partially completed ground floor extension, which was initially omitted from the proposed plans, but the LPA requested this be included on the plans for clarity, and this was considered to be permitted development given that it projects out 3m and to within full width of the main house. A rear garage was recently demolished. Additionally, the property has recently had an approval (67551) for a LDC for proposed raised gable wall which is not yet built at the time of the site visit, as such the principle of the roof extension has already been established.

Planning permission is sought for a loft conversion with rear dormer extension that would have a hipped roof carried over from the existing roof. Materials would include dark cladding with UPVC windows and provide an additional two bedroom at second floor. There are no new side windows proposed.

There would be a separation of 19.1m from the new dormer window to the rear boundary which comprises tree and shrub planting.

Relevant Planning History

67551 - Lawful development certificate for proposed hip to gable roof extension - Lawful Development confirmed 18/11/2021

Publicity

Immediate neighbours notified by letter dated 29/10/2021 and 21/12/2021 sent to 5 (five) neighbours). No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
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 – The hip to gable roof extension already approved but not yet built would

have a volume of 14.48 m³ (cubic metres), while the dormer extension would add an additional volume of 6.1 m³ (cubic metres) bringing the total roof extension to 20.57 m³ (cubic metres) which is considered to be acceptable.

In terms of design and appearance the extension is generally in-keeping with the existing house. Although it would be situated at the rear, the extension would be readily visible from the public highway along Burns Avenue. With this regard the applicant has reduced the size of the dormer and improved its design to meet policy requirements including. There is a good alignment of rear windows. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 19.1m separation distance from the proposed dormer windows to the rear boundary is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the far rear boundary would further reduce the impact on the residents to the rear, although shrubs along the side boundary along the highway have recently been removed.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. The proposed extension would provide improved additional space within the property.

In terms of the general prominence and impact on daylight the dormer extension is to the south side of the roof. As such any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways - The proposal would not affect the existing site access or parking arrangements which includes two car spaces.

Conclusion – In consideration of the above, it is considered that the proposed development (together with recently approved gable roof extension and rear ground floor extension currently under construction) would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 SPR 26 02C, SPR 26 03B, and SPR 26 21A and the development shall not be carried out except in accordance with the

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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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Stven Gunn-Russell	12/01/2022		