

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/05/2024	Ref: 70637/FUL
Registration: 01/04/2024	LDFC: 02/05/2024	Expiry Date: 27/05/2024
Site Visit: 07/05/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: 2 no. side dormers; Single storey side extension

Location: 8 Parkstone Avenue, Whitefield, Manchester, M45 7QH

Description

The application relates to a detached bungalow with a flat roof outrigger at the side and rear on a residential road of mixed two storey and single storey dwellings. The main roof ridge runs 90 degree to the road. Driveway to the front with parking for one car. The neighbour at No.6 is a similarly styled bungalow while No.10, on the other side, is white rendered and has been extended at the rear.

The application is for flat roofed dormers to each side of the roof slope to create three additional bedrooms with en suites in the roofspace. Windows on either side would face across the roofs of the neighbours on either side. The dormers would be set up from the eaves by about 300mm and down from the ridge by about 200mm. They would be set back from the front by about 500mm. Finished in tiles to match the roof.

Relevant Planning History

No.6 Parkstone Avenue - 57517 - Dormer at side - Refused in 2014 due to the impact on existing property, streetscape and neighbours.

Publicity

Immediate neighbours notified by letter dated 1/04/2024. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 addition of flat roof dormers of the size proposed is considered to be an incompatible design which would result in a poor relationship with the existing building. The dormers would appear overly large and incongruous on the property and visually intrusive within the street scene and as such would be seriously detrimental to the visual amenity of the existing dwelling and streetscape along Parkstone Avenue.

Although there are side dormers further down Parkstone Avenue, these tend to be smaller and/or sit on one roof slope only and none are in the immediate proximity of No.6.

It is noted that similar styled dormers proposed on No.6 Parkstone Avenue were refused planning permission in 2014 on grounds that the proposal would be seriously detrimental to visual amenity both in terms of the appearance of the existing building and streetscape.

The proposal is considered to be out of character with the existing property and would appear incongruous within the streetscape and would therefore conflict with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - Although the new side bedroom windows would overlook the roofs

of the neighbouring properties on either side, the location of the habitable room windows on the side roof plane, particularly the window at the rear, facing No.10, could potentially reduce the privacy currently enjoyed by the adjacent property to an unacceptable level.

It is recognised that this issue would be less of a problem if the dormers were redesigned and significantly reduce in size and scale. Obscure glazing could help reduce the impact of overlooking but this currently is not what is proposed. The proposal would be contrary to UDP Policy H2/3 and SPD6 in relation to residential amenity.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed dormers would, by reason of size, position and design, appear overdominant and incongruous on the existing dwellinghouse and would be out of character within the streetscape. The proposal would therefore be seriously detrimental to the visual amenity and would conflict with the following policy and guidance:
UDP Policy H2/3 Extensions and Alterations
Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The position of the rearmost bedroom windows in the proposed dormer facing No.10 Parkstone Avenue would result in undue overlooking of this property and would be seriously detrimental to residential amenity. The proposed development therefore conflicts with the following policy and guidance.
UDP Policy H2/3 Extensions and Alterations
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>
Tom Beirne	14/05/2024		