

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/03/2024	Ref: 70411/FUL
Registration: 15/01/2024	LDFC: 08/02/2024	Expiry Date: 11/03/2024
Site Visit: 08/03/2024	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Replace existing garage roof with dual pitched tiled roof

Location: 22 Parr Fold, Bury, BL9 8JB

Description

Located on Parr Fold, the property is a modern detached house situated at the end of a cul-de-sac. The site is surrounded by existing houses and bungalows that back onto the land. These include houses on Parr Fold (Nos. 16, 18 and 20) on the northerly side and the bungalows Nos. 20, 22 and 24 Cunningham Drive to the south.

Planning permission is sought for the replacement of existing garage roof with a dual pitched tiled roof. The existing roof is part flat, part pitched, while the proposed roof would be a dual pitched tiled roof with eave heights of 2.3m and ridge height of 3.95m.

Relevant Planning History

43261 - DETACHED BUNGALOW - Refused 28/10/2004
06/0086 - CHECK FOOTPRINT OF APPROVED BUNGALOW - 15/05/2006
06/0116 - CHANGE OF LEVELS (RAISED BY 1.5 M) . - 13/03/2006
23/0446 - Works to garage roof - 12/02/2024

Publicity

Neighbour letters sent. One objection received.

Comments

The concerns relate to the height of the proposed dual pitched roof, and its proximity to the shared rear boundary. There is also a concern of whether the development would lead to loss of daylight/outlook and cause other implications such as over shadowing due to its position.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed development would be a simple and unobtrusive design that would not detract from the character of the dwelling. In fact, the proposed dual pitched roof would have a symmetric design which would be more visually pleasing than the existing part pitched, part flat roof. Furthermore, there are other properties on the street and in the surrounding area which have carried out similar alterations to change to the roof design of the garage.

Overall, in terms of scale, design and setting, the development would not overwhelm the existing dwelling, the detached garage or result in over development of the associated amenity space. Therefore, the proposed extension would therefore comply with SPD 6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

Apart from the new roof there would be no changes to the garage or the main property. Additionally, the detached garage would be at rear of the site and would have no proposed windows. Furthermore, the ridge height of the proposed garage roof would be less than 4m and given that the existing garage was already there, any impact would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Response to Objections

The report have addressed the concerns of the objecting party. The concerning comments have been addressed and it would not warrant a refusal as the proposal would have no detrimental impact on any of the neighbouring properties.

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 Dwg no: 23/102-1 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/03/2024	DM	06/03/2024