

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 11/07/2022

Ref:68360/FUL

Registration: 20/05/2022

LDfC: 01/06/2022

Expiry Date: 15/07/2022

Site Visit: 13/06/2022

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: Dormer extension at rear

Location: 44 Shepherd Street, Bury, BL9 0RT

Description

The application relates to a two-storey terraced house on a residential street of similar properties, within a high-density area just outside Bury town centre. These streets have no front gardens with the building lines (and front doors) going right up to the pavement. The property has an existing two-storey outrigger extension at the rear plus a small rear yard but no off-street parking. The front terraced elevations on this street are well presented with a consistent uniformal Victorian terracing appearance with a strong local character, but the rear is characterized by poor visual appearance in generally in poor condition and poor maintenance. Neither of the attached neighbours have any dormers although other dormers are evident in other parts of the street.

Planning permission is sought for one flat roofed dormer extensions to the rear that would be set in by 15cm. There would be a separation of 9.8m to the rear boundary, although there is no new boundary treatment proposed.

It should be noted that the development proposed has been amended to remove the front dormer and replace this with two skylights.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 10/05/2022 and 18/05/2022 sent to 8 (eight) 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
EN1/2 Townscape and Built Design

EN1/1 Visual Amenity
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.

Principle of Use

The dwelling is within the boundary of UDP Policy BY11 area Heywood Street/ Spring Street which has precedence to maintaining the residential use of the area.

Visual amenity

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

In terms of design and appearance the rear flat roofed front former extension is generally out of keeping with the existing house. However, the dormer extension would not be readily visible from the public arena and would be set back from the eaves by 15cm and set in by 50cm on both sides. The height would match the main roof pitch. Some rear dormer extensions are evident nearby in the locality (none at the front).

Materials would include tiles to the dormer walls, although the uPVC windows would match existing. In this respect the proposed dormer extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

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

In terms of overlooking and privacy to the rear, there are new habitable bedroom windows proposed for the dormer, and these would have a 26.5m separation distance to the rear habitable rooms of the dwellings opposite. As this would be a second floor extension the building would be effectively a 3-storey building which would require a separation distance of 16m. As such this is considered to be acceptable.

There are no new side windows proposed.

In terms of the general prominence and impact on daylight the proposed rear dormer extension is entirely within the existing building footprint. Any overshadowing would not be seriously excessive above and beyond the existing situation.

It is considered that the proposed extension would be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed.

Sustainable Development

The agent has stated that the existing solar panel on the rear section of the main roof would be relocated to the outrigger roof.

Conclusion

In consideration of the above, it is considered that the proposed front dormer extension would be acceptable with regard to siting, scale, and design of this development. The removal of the originally proposed front dormer ensures that the dwelling would retain its character within this streetscene which has maintained a largely unchanged consistent uniform traditional Victorian terracing appearance. 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

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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 drawing numbered IPS/R/44/BL90RT Rev:A as submitted on 07/07/2022 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 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>
SGR	11/07/2022		