

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 25/08/2022

Ref:68603/FUL

Registration: 27/06/2022

LDFC: 16/08/2022

Expiry Date: 22/08/2022

Site Visit: 03/08/2022

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: Front dormer to existing loft conversion

Location: 11 Daisy Street, Bury, BL8 2QG

Description

The application relates to a two-storey terraced house on a residential cul-de-sac of similar properties. The attached dwellings are as originally built. The street is unusual due to there being no front roadway with pedestrian access only available off Fairy Street via a shared pedestrian path crossing through neighbour's front gardens, plus a back lane to the rear. The front boundary is shared with the side elevation of a two-storey block of flats.

Planning permission is sought for a front dormer extension that is proposed entirely within the existing footprint and have a flat roof. Materials would include cedar weatherboard cladding to dormer walls, and EPDM/ GRP to dormer flat roof. There are no new side windows proposed.

There would be a separation of 2.16m to the shared residents footpath and 10.05m to the front boundary, although there is no boundary treatment proposed.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 26/07/2022 sent to 12 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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design

HT2/4 Car Parking and New Development
SPD11 Parking Standards in Bury

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

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.

In terms of siting, design, and appearance the proposed extension would not be in-keeping with the existing house. Situated at the front, the proposed extension would be readily visible from the public arena. Additionally, the proposed design of the dormer extension represents a significant amount of bulk at the front of the property, incorporates a flat roof with poor window fenestration. As such the proposed development is considered to have a detrimental impact on the visual amenity within this relatively unique streetscene characterized by a single sided terrace frontage with shared resident's pedestrian footpath transcending the neighbours front gardens.

There are inconsistencies in the plans as the site plan suggests that the proposed dormer extension would occupy the full width of the property, while the floorplans suggest otherwise.

In this respect the proposed extension is unacceptable and fails to comply 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 front, the 10.05m separation distance to the front boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. However, the separation distance to the shared footpath would be only 2.16m.
- The proposed dormer extension would be built entirely within the existing building footprint.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension would be built on the side south of the main house. Any overshadowing would not be seriously excessive above and beyond the existing situation.
- There existing outdoor private amenity space would be unaffected.
- Certificate A has been signed.

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

Highways

No changes proposed to the number of bedrooms, site access, or parking.

Conclusion

In consideration of the above, it is considered that the proposed development would be unacceptable in terms of the siting, scale, and design, of this development. As such, the proposed development is therefore considered to be unacceptable and fails to comply with UDP Policies EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, and UDP Policy H2/3 and associated guidance in SPD6.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed front dormer extension would, by reason of its size, position and

DELEGATED REPORT

design, be a prominent and intrusive feature in the streetscene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, and UDP Policy H2/3 and associated guidance in SPD6.

- 2 The design of the proposed front dormer extension is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, and UDP Policy H2/3 and associated guidance in SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	25/08/2022		