

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 22/08/2022

Ref:68503/FUL

Registration: 30/05/2022

LDFC: 08/07/2022

Expiry Date: 25/07/2022

Site Visit: 17/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Loft conversion with dormer extensions on both sides

Location: 12 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT

Description

The application relates to a bungalow with rooms in the roofspace on a residential street within the Greenbelt and bounding Brooksbottoms conservation area to the south. This is one of a group of similar highway fronted South facing bungalows built on this section of Cliff Avenue built with front/rear gable ends, and some of which already have side dormer windows. The existing property is positioned centrally within the plot which has large front and rear gardens but is tightly constrained by the side boundaries.

The unattached neighbour at No.10 (slightly uphill) has an existing single storey conservatory extension at the rear and existing side dormer windows facing the site. The neighbours on the other side at No.2-3 Hill Street (also known as Crag House, and at a lower elevation) are positioned such that their main frontage is west facing (downhill) with the rear east elevation being overlooked by the application site. The rear boundary has a substantial amount of shrubbery and countryside beyond.

Planning permission is sought for a loft conversion with two side dormers which would occupy most of the roof space and have hipped roofs carried over from the existing roof. Materials would include roof tiles to match main roof, and horizontal cladding. On the east elevation (downhill) there would be two bedroom windows plus a bathroom window, and on the east elevation (slightly uphill) there would be two bedroom windows. All five side windows would have obscure glazing to 1.7m above floor level. There would be a separation of 3.8m to the west boundary with shrubbery at a lower level, and 1.5m to the east boundary with no natural screening.

Additionally, the existing main first floor window on the front elevation would be altered to create two smaller windows (for two separate bedrooms), which overlooks a large front garden. At the rear the existing main first floor window would remain as existing, overlooking a large rear garden.

There would be a separation of 15.2m to the rear boundary, although there is no new boundary treatment proposed.

It should be noted that this application is essentially a resubmission of 68042 which was rejected due to side windows within close proximity of the shared boundaries overlooking neighbours would have been significantly detrimental to residential amenity. This new application includes numerous changes to mitigate these issues.

It should also be noted that this application has been submitted alongside another application (68504) for a single storey extension at rear (retrospective). Due to the location

within the Green Belt it is recommended that the two applications should be assessed together.

Relevant Planning History

68042 - Loft conversion with side dormers - Refused 13/04/2022

68207 - Detached garage to front of property - Withdrawn by Applicant 23/05/2022

68504 - Single storey extension at rear (retrospective) - Currently under consideration.

Publicity

Immediate neighbours notified by letter dated 16/06/2022 sent to 8 (eight) neighbours. Site notice posted on 17/06/2022. Two objections were received.

Objections -

Concerns are summarised below:

Visual amenity

- Ground level at No.12 is above the first-floor level of adjacent houses.
- Vast scale of the extension, relative to the existing property size and so close to the boundary.

Residential amenity

- Privacy.
- Loss of daylight/sunlight.
- Opaque glass does not stop privacy being impacted.
- Concerned that future applications may reverse partly obscured bedroom windows, especially if the property is sold.
- Newly built rear extension already has a large clear window above the fence of the same boundary. Before this, there were no side windows overlooking.
- We believe that retrospective consent is currently being applied for.

Other issues

- The new plans have remained the same - 3 windows in the side dormer.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1	Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
EN9/1	Special Landscape Areas
OL5/2	Development in River Valleys
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Green Belt

NPPF paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
 - b) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
 - c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
 - d) replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL/3.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%) of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

The original dwelling measures 452m³, and proposed extensions include a retrospective single storey extension currently being assessed alongside this application (68504) measuring 52m³, and the proposed dormer extensions would measure 72m³. The proposed extensions combined would measure approximately 124cubic metres, which if approved would result in total extensions representing an increase of 27.4% on the original building which is below the 33% suggested within SPD8.

In this instance due to the siting and design of the proposed development it is considered that it would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal is a limited extension that would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition above and beyond the original building and is a limited extension. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Special Landscape Area

Policy EN9/1 states that any development which is permitted should be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. It is considered that the proposed plans show an extension of an appropriate scale in relation to the main house. The proposed side dormer extensions are similar in style and form to other existing extensions on Cliff Avenue and will therefore be broadly in keeping with the character of the existing street as a whole.

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 proposed extension would not be entirely in-keeping with the existing house by virtue that this would be a dormer extension of a different design to the original house. Situated at the sides, the proposed extension would be readily visible from the public arena and its design and scale is generally considered to be appropriate for this property and streetscene. Although there is existing tree and shrub planting along the rear boundary and to a lesser extent along the west side boundary the east side boundary has no natural screening.

The property is of a relatively unusual style that has a gable facing onto the road frontage. The proposal is for a hipped roofed dormer on both sides to create a balanced symmetrical design. Although the materials would be generally different to the original house, the design would nevertheless be similar to the dormer extensions of the adjacent property on the same street. As such the alterations will not look out of place or out of keeping with the property and accord with both UDP Policy H2/3 and SPD6.

Residential amenity

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

The existing bungalow is located on a section of road that slopes westwards, and consequently, the roofs of the properties also are of different heights, directly overlooking neighbours rear gardens. The 3.8m and 1.5m separation distances to the side boundary from the habitable windows in the proposed dormer extensions would not comply with the aspect standards in SPD6. However, all of the proposed windows in the two dormer extensions would be obscure glazed up to a height of 1.7 metres above floor level. This would be secured by a condition and there would be no significant adverse impact upon the amenity of the neighbouring properties.

Similarly, there was a concern on the previously refused application that the proposed dormer would enable occupants to look directly into the habitable room window in the neighbouring property. However, the applicant has revised the proposals and all the proposed windows facing No. 10 Cliff Avenue would be obscure glazed to a height of 1.7 metres above floor level. As such, there would be no overlooking issue and the proposed development would not have a significant adverse impact upon the amenity of the neighbouring property.

The proposed development involves changing the single window at first floor level to two windows, which would each serve a bedroom. There would be 20 metres from the front elevation of the dwelling to the boundary, which would be in excess of the 7 metres required in SPD6.

In terms of the unattached neighbour at No.3 Hill Street, the inclusion of obscure glazing to all windows in the proposed dormers would ensure that there is no overlooking of the private amenity space and as such, would not have a significant adverse impact upon the amenity of this property.

The other rear windows on the rear elevation of No. 3 Hill Street are all either non-habitable windows or they are of a sufficient distance from the proposed development (eg. 15m to the dining room window at an indirect angle) so as not to be impacted by any loss of residential amenity and therefore cannot be afforded significant weight in any assessment. It is considered that the proposed mitigation would be acceptable.

In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary and is to the east of 3 Hill Street. The proposed extension would

have some impact on that neighbours rear garden in the mornings but although the proposed development is on a higher elevation the fact it would be constructed above and no higher than the existing main roof pitch means that any overshadowing would not be seriously excessive above and beyond the existing situation.

It is noted that the neighbours at No.10 and No.8 have existing side dormer windows at close range although these were approved prior to the adopted of current guidance in SPD6. It is considered that the proposed extension would be acceptable comply with UDP Policy H2/3 and associated guidance in SPD6.

Overall, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

Highways

No changes are proposed to the existing site access or parking arrangements. The proposal would increase the number of bedrooms from 2 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 3 car spaces, and there is additional parking available on street. As such, the proposed development would comply with the maximum parking standards and would be in accordance with Policy HT2/4 and associated guidance in SPD11.

Conclusion

It is considered that the proposed development would be acceptable in terms of the sitting, scale, and design, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies OL1/2 and H2/3 with associated guidance in SPD6. It is recommended that this application should be approved alongside 68504.

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 Drawing 22-01 07. Drawing 22-01 08 as submitted on 30/05/2022 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 as outlined in Drawing 22-01 07 Rev:A. as submitted on 30/05/2022.

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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.

- 4 Before the first occupation of the extension hereby permitted all first-floor side windows along both side elevations (bathroom, toilet, bedrooms) shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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 - 22/08/2022			