

DELEGATED REPORT

Report by Amanda

Date of report: 03/05/2023

Ref:69465/FUL

Uhunmwagho

Registration: 16/03/2023

LDfC: 24/04/2023

Expiry Date: 11/05/2023

Site Visit: 25/04/2023

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Removal of existing roof covering to pitched roof slopes and fixing of new roof tiles to pitched roof slopes (following grant of planning permission 67633 for hip to gable roof extension and rear dormer extension to accommodate loft conversion)

Location: 19 St Marys Road, Prestwich, Manchester, M25 1AQ

Description

Planning permission was previously granted at this property for a roof extension and rear dormer (ref 67633) in December 2021. The works have now been completed. One of the conditions on the previous application was that the finished materials should match the existing. As such the roof tiles should have been Rosemary tiles which was on the original property.

Since the approval the original roof has been stripped and the tiles used for the construction of the new roof are Nelskamp Planum tiles in the colour of Brick red. The rest of the development has been built in accordance with the previously approved plans. The roof is the subject of the current application.

Relevant Planning History

67633 - Hip to gable roof extension and rear dormer extension to accommodate loft conversion - Approve with Conditions 16/12/2021

23/0094 - Not built in accordance with the approved plans of planning permission 67633 - 30/03/2023

Publicity

7 neighbours notified on 29/03/2023 - Two objections received. A summary of the objections is listed below;

- The original application that was granted specified that the materials had to match the original materials, which are rosemary tiles. This would be in-keeping with other properties.
- No attempt has been made to match the original materials. Instead concrete tiles have been used. They are different in size and colour to neighbouring properties with rosemary tiles.
- The proposed material choice is clearly not in line with Condition 3 of application ref 67633 with the visual amenity being significantly and negatively affected.
- No effort has been made to comply the original permission. Rosemary Clay Tiles are readily available and should be the only material considered.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments

the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The tiles used in the construction of the roof do not match the original Rosemary tiles on the property, which is why the applicant has had to submit the current planning application. The tiles used in the construction of the new roof are Nelskamp Planum tiles in a red brick colour. These are much larger tiles and a different colour, compared to the original Rosemary tiles. As such the new roof wouldn't be considered to be in keeping with some of the other properties along St Mary's Road which still have the original Rosemary tiled roofs.

However, there are several properties along St Mary's Road and Branksome Avenue to the north, which have replaced the original roofs with similar roof tiles to the ones used in the construction of the new roof on the application property. These are mostly a brick colour but there is also one property with grey roof tiles further up St Mary's Road.

Although the roof tiles used may not be considered to be in keeping with the original dwelling it has to be taken in to consideration that, in most cases it is possible to replace a roof as Permitted Development, and even if the applicant had constructed the roof with Rosemary tiles they would be within their rights to replace it with completely different tiles at any point under Permitted Development Rules. It is noted that the building is not listed and it is not within a conservation area, where a more sensitive approach would be required in terms of finished materials. The change is not ideal but given that the works could be Permitted Development the Council would have no control over such a change and therefore there is no reason to withhold a permission for the scheme.

There are also several other properties with modern style roof tiles in the immediate vicinity. As such the roof tiles used in the construction of the new roof would be considered acceptable in this location and it would not cause any significant detrimental harm to the existing streetscene.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

The change to the roof tile finish would not have any detrimental impact on residential amenity in the immediate area.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Response to neighbour objections -

The concerns of the neighbours have been addressed in the Visual Amenity section of this report and by the submission of the new planning application.

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 This decision relates to drawings numbered CM297 PL02C, CM287A EX02A, CM287 PL02A and CM287A PL03 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 2 The external finishing materials for the proposal hereby approved shall be as stated on the approved plans
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>
AU - 03/05/2023		DM	03/05/23