

DELEGATED REPORT

Report by Amanda

Date of report: 28/02/2024

Ref:70404/FUL

Uhunmwagho

Registration: 10/01/2024

LDFC: 08/02/2024

Expiry Date: 06/03/2024

Site Visit: 14/02/2024

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension with front, rear, side dormers; Single storey rear extension; Single storey front extension, including front porch; Additional window to front elevation; Extension to existing vehicular access

Location: 77 Haig Road, Bury, BL8 2LG

Description

There have been three planning applications previously approved at this property for more or less the same development between January 2023 and October 2023. The current application has been submitted due to the rear dormer is not being built in accordance with the approved drawings submitted with application 70037. A smaller pitched roof dormer was approve but the applicant has gone on to build a wider dormer with a slightly sloped roof. Everything else remains as previously approved.

The application relates to a detached bungalow which currently has two bedrooms in the roof space. Building works are underway. There is a good sized front garden with a low boundary wall along the front boundary, planting along the north boundary and a short fence along the south boundary. There was a car port to the side of the property which has now been replaced with the two storey side extension. There is a drive way to the front of the dwelling.

At the rear there is an existing single storey extension and the garden is paved to one side with grass to the other. The two areas are separated by a short wall. There are fences to both side boundaries at the rear. The property is currently rendered white to the front with brick finish to all other elevations.

The proposal is to build a two storey side extension with front, rear and side dormers, a single storey rear extension, additional windows to the front elevation and an extension to the existing vehicular access. The existing flat roof porch would be replaced with a extension and open porch area with a hipped roof. The walls are to be rendered with an off-white colour K-Rend.

The two storey side extension would be set back from the main front elevation by 2.59m. It would measure 3.5m wide x 9.8m in length. The existing roof would be extended by 600mm and it would be pitched. There would be a new first floor window installed to the front elevation. There would be pitched roof dormers erected to the front and rear of the two storey side extension and a slightly sloped roof dormer to the north side of the roof.

At the rear the single storey extension would project 5m x 4.7m. It would have a flat roof with a rooflight to the centre.

The existing vehicular access to the front of the site would be extended by 800mm and the driveway would be extended across part of the front garden.

Relevant Planning History

- 69146 - Two storey side extension with front and rear dormers; Single storey rear extension; Additional windows to front elevation; Existing flat roof to front porch replaced with a hipped roof; Extension to existing vehicular access - Approve with Conditions 20/01/2023
- 69457 - Two storey side extension with front, rear, side dormers; Single storey rear extension; Single storey front extension, including front porch; Additional window to front elevation; Extension to existing vehicular access - Approve with Conditions 03/05/2023
- 70037 - Two storey side extension with front, rear, side dormers; Single storey rear extension; Single storey front extension, including front porch; Additional window to front elevation; Extension to existing vehicular access - Approve with Conditions 20/10/2023
- 23/0470 - Not built in accordance with approved plans (roof at rear) - 11/01/2024

Publicity

8 neighbours were notified on 18/01/2024 - One objection received.

- Rear dormer is disproportionately large in terms of size, scale and appearance with the existing property and is out of character when compared to other existing development in the vicinity.
- Rear dormer is an unacceptably overbearing and ugly eyesore. This is substantially detrimental to our residential amenity by reason of its adverse visual impact.
- Loss of privacy due to the overlooking of their private garden and patio.
- The proposed development does not conform to Bury UDP Policy H2/3 and SPD 6 which seek to achieve a high standard of design that compliments the original building and which does not have a detrimental impact on the character and appearance of neighbouring properties.
- Construction of the proposed rear dormer was begun without prior planning consent, and also in breach of condition 2 of prior Planning Application 70037, which stipulates the rear dormer be built in accordance with those approved plans. This unauthorised structure remains in situ and clearly visible.

Statutory/Non-Statutory Consultations

Traffic Section - No objection. Conditions and Informative suggested.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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.

Haig Road consists of both bungalow and two storey properties. Many have been extended and there are many different designs of dwellings along this particular road, with a variety of finishings including brick and render and some have dormers. As such the design of the proposal is considered acceptable in this location.

A smaller pitched roof rear dormer was approved as part of the previous planning application at this property. The applicant has since commenced building a slightly sloped flat roof dormer in the same position, which is also slightly wider. Although the dormer would be visible from the rear garden of the adjacent garden it would not be readily visible in the public realm. In addition properties along this stretch of Haig Road are all of different sizes and designs and the adjacent property also has a flat roof dormer to the front and rear of the roof. As views of the dormer would be limited and it would be finished with materials that would be considered to be in keeping with the rest of the extension the dormer to the rear would be considered acceptable in this location.

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 -

- Properties to the front of site would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity.
- To the rear of the site is Westbury football club and there is open ground directly to the rear of the site.
- The two storey side extension would raise the ridge of the property by 600mm. This would result in the property being around 250mm higher than no.75 Haig Road next door. As such the side extension/roof height increase would not have any significant detrimental effect in terms of overshadowing of the neighbouring property.
- There would be a flat roof dormer installed to the north side of the roof which would face on to the side of no.79 next door. As these rooms would be bathrooms the windows would be obscurely glazed, but a condition would be added to ensure that this particular window remains obscurely glazed at all times in the future. As such it would not have any significant impact on residential amenity at no.79 next door, to the north.
- There are currently two windows to the north side at ground floor level. These are to a study and a bedroom. Once the development is complete the existing study window would remain as it is now and what is currently a bedroom window would now serve a further study and become a secondary window to a new living room. With this in mind there would be no more of an impact on no.79 next door with regards to the ground floor windows.
- There would be one small kitchen window installed to the south side elevation. This window would be around 1m away from the boundary with no.75 next door. As a kitchen is not considered to be habitable room the position of this particular window would be acceptable in the position shown on the plans.
- The single storey rear extension would be around 5m from the shared boundary with no.75 to the south and there would be openings to the side and rear elevations. As there is a fence along the shared boundary any views from the new room would be over the applicant's garden area only.
- The hipped roof to the front extension and open porch would not have any detrimental effect on residential amenity.
- The proposed plans show that there would be four parking spaces to the front of the site and part of the existing lawn would be replaced with hardstanding. The existing lawn would act as a natural soakaway for surface water from the driveway. As such it would be considered acceptable.
- A pitched roof dormer to the rear was approved as part of the previous proposal. The applicant has gone on to build a slightly sloped flat roof dormer instead which has the same size window as previously approved. Although this would result in a wider dormer it would be built back into the roof space on the property and would only extend slightly further to the south east side. This would result in the dormer being just over 1m from the shared boundary with no.75 next door. No.75 has an existing single storey rear extension adjacent to the shared boundary and the proposed extension including dormers would not project beyond the rear of that. As such it is considered that the proposed rear dormer would not have any significant detrimental effect on privacy levels at the adjacent properties and garden areas.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposed plans show that the existing driveway is to be extended across part of the front garden and there would be on site parking for up to 4 vehicles. The area has on street parking and there is public transport available. With the

proposed 4 spaces it is considered that the parking arrangements are sufficient on this site.

Response to neighbour objection -

The concerns of the objector have been addressed in the report above and with the submission of the 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 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 1 received on 11/01/2024 and drawing numbered 2E received on 27/02/2024 as modified by the email from Mr Neil Butterworth dated 27/02/2024. The development shall not be carried out except in accordance with the details 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.
- 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.
- 4 The revised access arrangements indicated on approved plan reference SHT DWG No. 2 Revision E, incorporating the provision of a footway crossing extension, demarcation of the limits of the adopted highway, widened driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, shall be implemented prior to the development and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

- 6 Before the first occupation of the extension hereby permitted the windows to the north west side dormer 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>
AU - 28/02/2024			