

## **DELEGATED REPORT**

|                                  |                                   |                                |
|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 29/07/2024 | <b>Ref:</b> 70815/FUL          |
| <b>Registration:</b> 06/06/2024  | <b>LDfC:</b> 02/07/2024           | <b>Expiry Date:</b> 01/08/2024 |
| <b>Site Visit:</b> 26/07/2024    | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Variation of conditions 2 (approved plans) and 3 (materials) following approval of planning permission ref. 66734 (Alteration to roof including increase in height) - Roof height to be increased 257mm higher than approved and change external finishing material of walls to render white or off white

**Location:** 2 West View Grove, Radcliffe, Manchester, M45 7NQ

### **Description**

The site relates to a 2 storey pitched roofed detached dwelling, No 2 West View Grove, which is located on a corner plot within a residential setting.

Adjacent is No 4 and to the rear are Nos 33 and 35 Ashbourne Grove. The surrounding properties are characteristically semi-detached with hipped roofs.

Planning permission was granted for alterations to the roof design from a pitched to a gable roof and increase in height by 1m. The front of the property would have a pitched roof detail with a centrally positioned circular window.

Due to construction difficulties, the applicant states that it is now necessary to raise the height of the new roof loft and increase the thickness of the ridge build up.

The height of the roof would be increased by an additional 257mm, equating to a total height of 1257mm higher than the original roof.

There would also be one additional rooflight in the rear ridge slope (2 previously approved) and the circular window feature in the roof slope of the front elevation would be deleted. Elevations would be render as previously approved.

### **Relevant Planning History**

66734 - Alteration to roof including increase in height - Approve with Conditions 18/06/2021

### **Publicity**

Letters sent to 6 adjacent properties on 10/6/24.

### **Statutory/Non-Statutory Consultations**

N/a

**Pre-start Conditions** - Not relevant

### **Development Plan and Policies**

EN1/2 Townscape and Built Design

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 -**

SPD6 advises that proposals to increase roof heights will be assessed on impact on the character of the street scene and amenity of neighbours and that a street scene plan should be provided.

A plan has been provided which shows the proposed development and increased roof height within the context of the streetscene and two adjacent properties. The proposal would be approx 257mm higher than the originally approved scheme, resulting in an

increase in height of 1257mm comparative to the original dwelling.

The street is on a gradual incline with the houses following the gradient of the road in a stepped arrangement. The application site located at the upper end of the street where it is not unusual for an end house to be at a higher level. The property is also only visible when approaching the top of the street and views are limited. From the opposite direction, the dwelling would be viewed at an oblique angle to the road and would not be seen within the setting of the houses which form the rest of the row.

The property is the only detached dwelling on this side of West View Grove and has a pitched roof which is different to the other houses on the street where the roofs are hipped. Whilst there would be an increase in height and change to the roof design to form a gable, it is considered that in this case, given the topography of the road and design and setting of the dwelling, impacts on the visual amenity and streetscene would be limited and not significantly harmful.

It is therefore considered that the proposed development would not appear significantly discordant on the streetscene and as such is considered to be acceptable and would comply with Policy H2/3 and SPD6.

### **Residential amenity**

The property is located on a corner. The nearest neighbour is the adjacent dwelling, No 4 West View Grove which is located to the north. There may already be some element of overshadowing which may occur to the side and rear garden in the later parts of the day and in the assessment of the original application to raise the height by 1m, it was considered that there would not be significant overshadowing or loss of amenity to No 4. It is considered the additional height of 257mm would result in a relatively insignificant increase above the original approval and not cause harm to the amenity of No 4.

At the rear, Nos 33-35 Ashbourne Grove are approx 16m away and their gardens 9.6m away. The properties are set to the east and it is considered that given their position and distance away, these neighbours would not be significantly affected by the additional increase in height.

It is therefore considered the proposed development would not have a detrimental impact on the adjacent properties and as such would comply with policies H2/3 and SPD6.

### **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 Location plan SM1-00; Proposed plans and elevations SM1-02B; Proposed block plan SM1-04; Existing and proposed street scene SM1-05B 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.

- 2 The development hereby approved shall be carried out in accordance with the proposed materials detailed on approved plan SM1-02B.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| JT                  | 29/7/24     | DM                      | 29/07/2024  |