

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/08/2024	Ref: 70866/FUL
Registration: 28/06/2024	LDfC: 14/08/2024	Expiry Date: 23/08/2024
Site Visit: 31/07/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Hipped to gable roof conversion with a flat roof dormer to the rear.

Location: 32 The Drive, Bury, BL9 5DG

Description

The application relates to a two storey red brick and render house on a residential road of similar styled properties. Hipped roof with rosemary tiles and attached garage at the side with driveway to the front.

The proposal is to extend the roof over the hip to create a gable and extend a flat roof dormer across the roof at the rear. The new gable would be rendered to match the rest of the first floor with a new stairwell window installed above the existing stairwell window, which will be infilled.

The new dormer would sit just below the ridge and 200mm above the eaves. It would be set in 500mm from the gable end and 700mm from the party wall with the attached neighbour at No.30. It would be finished in a render to match the first floor and allow for an additional bedroom to be created in the roofspace..

Relevant Planning History

43272 - Roof extension at side & dormer at rear - Refused 19/10/2004. The proposed dormer windows would be a dominant and alien feature and would be seriously detrimental to the visual amenities of the street-scene.

Publicity

Immediate neighbours notified by letter dated 23/07/2024.

Initial letters dated 04/07/2024 sent out to adresses at The Drive, Prestwich although with the correct postcodes. A second neighbour letter was sent out to avoid confusion as to who actually received the initial letter.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

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 - The creation of a gable end from a hipped roof, in isolation, would be permitted development under current planning regulations. Permission is required for the combined gable and dormer extension. The critical factor is how the combined gable and dormer would be viewed within the streetscape.

In terms of design and appearance, the side of the property would be viewed from The drive as one approaches from the east. The gable itself, finished in a render to match the first floor would not appear out of keeping with the house and it is not unusual to see a mix of hips and gables within the suburban streetscape. It is noted that there is a sizeable gap to the shared side boundary with the unattached neighbour at No.30 The Drive thereby reducing the impact of the gable adjacent to the hipped roof of the neighbour.

Whilst the proposed rear dormer would accentuate the differing silhouette of the house, set in 500mm from the side and finished in grey boarding, it would not be so incongruous within the streetscape to warrant refusal. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - Given the scale and siting of the extensions and the lack of windows overlooking neighbours, there are no residential amenity issues arising from the proposal. No objections received from neighbours. The proposal is acceptable in terms of residential amenity and complies with UDP Policy H2/3 and guidance in SPD6 extensions and alterations.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 drawings numbered P02B, P04, P05B, P06B, P07B and P08B 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/08/2024	DM -	18/08/2024