

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 04/03/2022

Ref:67898/FUL

Registration: 13/12/2021

LDFC: 14/01/2022

Expiry Date: 07/02/2022

Site Visit: 06/01/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Loft conversion with rear dormer

Location: 22 George Street, Prestwich, Manchester, M25 9WS

Description

The application relates to a two-storey terraced house on a residential cul-de-sac with a back lane to the rear. At the rear is a kitchen extension and rear yard including a shed. The attached neighbours are as originally built although there are other properties nearby with rear dormer extensions. There are no trees or shrubs on any boundary with parking available on street only.

Planning permission is sought for a loft conversion with rear concave dormer extension with flat roof that would project above the outrigger roof but remain slightly below the main roof. Materials would include new dormer walls to be clad in plain tiles to match the existing roof tiles, roof to be fibre glass, and Upvc windows to match the existing.

There would be a separation of 12.1m to the rear neighbours boundary or 22m to the rear neighbours rear elevation.

Relevant Planning History

64678 - Prior notification for proposed single storey rear (kitchen) extension – Prior Approval Not Required – Oct 2019

64580 - Prior notification for proposed single storey rear extension – Prior Approval Refused – Aug 2018

Publicity

Immediate neighbours notified by letter dated 23/12/2021 sent to 4 (four) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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) 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.

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 this extension for a second-floor concave dormer is generally out of keeping with the existing house although two almost identical rear dormers exist a few doors away and is therefore considered to be generally acceptable within this immediate locality. Situated at the rear, the extension would not be readily visible from the public arena. Materials would be similar to existing dormers close by. At the front elevation there would be two velux flat roof rooflights. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

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

In terms of overlooking and privacy to the rear, the 12.1m separation distance to the rear neighbours boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to both attached neighbours as it complies with the '45-degree rule' within SPD6. Overlooking of the side neighbours is minimized by the fact the proposed dormer bedroom window will look outwards with no side windows.

In terms of the general prominence and impact on daylight the extension is to the north of the main property. The extension would have some impact on the applicants own rear yard and to a lesser extent Nr.24, however any overshadowing would not be seriously excessive above and beyond the existing situation. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways – No changes.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in 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 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 submitted on 13/12/2022 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.
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>
SGR	04/03/2022		