

## **Description**

The property is a semi detached dormer bungalow located on a corner plot. It has a garden and drive to the front and a detached garage at the side adjacent which is an electricity sub station. To the rear the site has a small garden which is fenced and tapers down narrowly. To the rear of the house is the 3 brick high base of what appears to have been an extension. The adjoining property is No.74 and to the opposite side 41 Holthouse Road sits to the north east of the site. It too has a narrow tapering rear garden that borders the site garden and there is fencing separating.

Works have commenced on site extending the side walls of the dormers and with the roof pitched to the ridge and rendering to the walls. This application has been submitted following a complaint to the Enforcement Team. The proposal includes extending the front and rear dormers at the side and forming a gable wall to the north side. Pitched roofs to the dormers to the front and rear running from the existing ridge. Demolition of the detached garage and construction of a single storey extension coming out 4.2m at the side running from front to rear. The rear corner would be set in by approximately 0.5m to allow for the angled boundary. To the front would be a porch 1.6m deep and 2.8m across. Existing and new walls would be rendered white. The side extension would form an additional lounge with dining area and a wc.

## **Relevant Planning History**

None.

## **Publicity**

Surrounding neighbours were notified by letter and no responses have been received.

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

**Electricity North West Ltd** - Advisory regarding adjacent operational land. Documents recommended 'Avoiding danger from underground services', 'Avoidance of danger from overhead power lines' and 'Overhead Line Clearances' are included as an informative and have been forwarded to the agent who has confirmed they have been passed on to the applicant.

**Pre-start Conditions** - Not relevant.

## **Unitary Development Plan and Policies**

<SQLDCPolicyComRep>

## **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 and design** - The property is in a prominent position located on a corner plot. The proposal would see the dormer sides extended and the roof pitched to the ridge. The view from the junction of would see side gable walls to both the first floor and the single storey side extension. The front elevation would have the appearance of a two storey dwelling which would differ from the attached No.74 which has its original flat roofed front dormer. The rendering of the site property would also see it in a different finishing material. There is an example of a flat roofed dormer having been pitched further along the street however most are still flat. This section of Neston Road does have a number of two storey semi detached houses which are not dissimilar in design to the proposal for the site. The plans note that the canopy to the front to be reinstated which would improve the appearance in its relationship with the adjoining dwelling. The proposed porch would not project excessively from the front elevation and would have a dual pitched roof. The single storey to the side would have a pitched roof forming a side gable wall. In terms of materials then the roof would be tiled to match the existing and new and existing walls would be rendered. It is not uncommon for semi detached brick properties to be finished in render which is now a popular domestic finish.

In conclusion, whilst the property would differ from that adjoining the site, it would retain a typical domestic appearance and it is not considered that it would appear intrusive or out of character in the street to any level that would give grounds for refusal.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

**Parking** - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The drive to the front would be retained at 5m in length following the addition of the side extension and front porch. The front garden is

also hardsurfaced and may accommodate an additional vehicle. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

**Residential amenity** - The proposed side extension would run alongside the electricity sub station and garage to 41 Holthouse Road and in the area of the existing garage. The rear elevation would have one small window to a wc which would face towards the side elevation of No.41. As it would be close to the boundary to 41 a condition is added for obscure glazing.

In relation to the adjoining No.74 then to this side would be the extended dormer wall and reinstatement of the canopies. Certificate B has been completed in respect of encroachment.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.