

DELEGATED REPORT

Report by Jane Langan	Date of report: 08/12/2023	Ref: 70212/FUL
Registration: 06/11/2023	LDfC: 29/11/2023	Expiry Date: 01/01/2024
Site Visit: 18/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Hip to gable loft conversion with rear dormer

Location: 9 Kendal Road, Ramsbottom, Bury, BL0 9SP

Description

The property is a semi detached house with garden and drive to the front. It has been extended two/single storey at the side and the single storey extends across part of the rear. From the rear of the house is a patio and then a lawn at a lower level. Along the side and rear boundaries is timber panel fencing. The rear boundary borders the rear garden to 10 Brooklands Road which is screened by planting from garden level. The adjoining neighbour is No.7 and to the opposite side is No.11.

The application proposes a hip to gable roof extension with roof lights to the front slope and a flat roofed dormer to the rear. The extended roof space would form an additional bedroom with ensuite.

Relevant Planning History

58592 - First floor extension at side over existing garage; Single storey extension at rear - AC 28/05/2015.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. Their concerns in summary are :-

- Properties are built on a natural slope, the property is more elevated than ours. First floor windows already overlook our windows and garden.
- Proposal will lead to two new windows in the new floor above overlooking our house and garden.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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.

Visual amenity and design - The proposal would see the existing hipped roof extended out to a gable and roof lights added to the front slope. This part of the proposal would be visible from the main street view and, whilst it would result in a different roof design to the adjoining property, this type of extension can be carried out under permitted development and it is not uncommon on semi detached properties. There are examples of different roof designs in the immediate area, including gables, and that proposed would not appear out of character of intrusive in the street. The flat roofed dormer would not be visible from the main street view. It would be sit below the main ridge, in approximately 0.4m from the side walls and 0.2m back from the main rear wall. Materials are noted to be matching brick and roof tiles to the extended hip to gable and with the dormer tile hung. For the avoidance of doubt standard matching materials conditions are added.

The proposal is considered acceptable and in keeping with the existing property and would

not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms as the smallest one would be come a study. Parking would be to the front drive which would not be affected by the proposal. There is also garden to the front and there may be potential for a further space if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The proposed hip to gable extension would be to the side to No.11 and as it would be located adjacent the roof to this property it would not have any significant impact.

The dormer would face down the site garden and there would be a distance of approximately 17m to the boundary with the garden to the rear. SPD6 Aspect Standards requires 7m from a habitable room window to a boundary and where a storey higher an additional 3m. In this case then 17m would be well in excess of the minimum requirement.

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.

Response to objection - SPD6 sets out Aspect Standards in order to maintain adequate privacy distances and avoid overbearing relationships. As noted in the above report the proposal would comply with the criteria and as such there are not grounds for refusal with regard to amenity to the relevant neighbouring properties.

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 pre-application discussions 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 PCE-Greenhalgh-August-23-BR, PCE-Greenhalgh-August-23-Section 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 brickwork and roof tiles for the hip to gable extension 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

DELEGATED REPORT

Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 The walls to the dormer hereby approved shall be tile hung to match the existing roof.

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>
JL	08/12/23	DM	11/12/2023