

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 19/01/2024 | <b>Ref:</b> 70154/FUL          |
| <b>Registration:</b> 09/10/2023 | <b>LDfC:</b> 08/11/2023           | <b>Expiry Date:</b> 04/12/2023 |
| <b>Site Visit:</b>              | <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> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Proposed Loft Conversion with Front and Rear Dormers

**Location:** 44A Newcombe Road, Ramsbottom, Bury, BL0 9UT

### **Description**

The application relates to a detached dwelling house located on Newcombe Road. The premises is set back behind the building line of the semi-detached dwellings to the west and the shops to the east.

Planning permission is sought for a proposed loft conversion with front and rear Dormers. The proposed development would facilitate a loft conversion to accommodate an additional bedroom with ensuite bathroom along with a storage area. There would be two front dormers pitched roofs and a larger rear dormer with flat roof. All of the dormers would be set back from all directions and constructed with some matching materials.

### **Relevant Planning History**

69759 - Loft conversion including dormer extension at rear; raising height of ridge of roof and installation of loft window at front - Approve with Conditions 18/09/2023  
17/0167 - Not built according to plan - 01/06/2017.

### **Publicity**

Neighbour letters sent. No objections received.

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

N/A

### **Pre-start Conditions**

N/A

### **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**

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Situated to the rear, the proposed rear dormer would not be visible from the street scene. It would be a rectangular extension with simple and unobtrusive design, which would not detract from the character of the dwelling. Furthermore, this development could be constructed under permitted development and such would be acceptable.

The proposed front dormers would be visible from the street scene and would be a prominent feature

Even though the front dormers would have a pitched roof and would utilise the use of some matching materials, they would still be obstructive to the original dwelling and the public arena. Furthermore, there is no front example front dormers within the area.

Therefore, the front dormers would over-dominate the design and character of the original property and the street scene and as such would be considered unacceptable and as such would not comply with UDP Policy H2/3 and SPD 6.

**Residential amenity** - SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear; there would be sufficient distance.
- All of the proposed dormer extensions would be built entirely within the building's existing roof..
- There would be no proposed side windows and the dormers to the front would be over 20 metres away from the properties to the front.
- The existing outdoor private amenity space would be unaffected

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 and SPD6.

#### **Parking**

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

#### **Conditions and Reasons:**

- 1 The proposed front dormers to the front would be neither appropriate to, nor sympathetic with the existing structure, and would be considered seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated 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> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 19/01/2024  |                         |             |

