

DELEGATED REPORT

Report by Jane Langan	Date of report: 13/10/2022	Ref: 68624/FUL
Registration: 08/08/2022	LDfC: 03/10/2022	Expiry Date: 03/10/2022
Site Visit: 17/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension; Loft conversion with front and rear dormers

Location: 41 Garnett Street, Ramsbottom, Bury, BL0 9JN

Description

The property is a mid red brick terraced house with a small garden to the front and it is located along a road that slopes up to the north west. To the rear it has a been extended single storey and there is a fenced rear garden. Both the adjoining neighbours are extended single storey at the rear. The rear site boundary borders a back access road across which are the rear of terraced properties on Dundee Lane. To the front the site faces down Queen Street with a school to the north side and to the opposite side is the boundary to Ramsbottom Conservation Area and a row of stone terraces.

The application includes a 2.4m deep extension to the existing single storey at the rear to add a sitting room. Two bedrooms would be created in the roof space with the addition of a dual pitched roof front dormer 1.5m wide and a flat roofed rear dormer 3.6m wide.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 04/08/22. A further letter was sent 21/09/22 regarding revisions to the dormers. One response has been received from a nearby neighbour, to the first notification letter, their concerns in summary are :-

- Proposed dormers would not be consistent with the rest of the street or the area
- Reduced privacy and cause overlooking
- Additional parking required for the occupants of two additional bedrooms could cause significant issues. Parking in the area is incredibly limited. Owner of the property to be extended consistently has to park his own van in the back access road behind the property, blocking access for any emergency services.
- There are a significant number of applications active for properties on this same block. Concerned this application could become a precedent for other properties on the street, leading to overdevelopment of the area and further issues particularly with parking & privacy.

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. 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 a mid terrace on a row that slopes up towards the north west. There are no other front dormers on the row that as proposed would be the first. It has been reduced in width from that as originally submitted which was considered to be overlarge on the front slope. It would now be 1.5m wide with a pitched roof and the walls slate hung to match the existing roof and it would be set back 0.9m from the front wall of the house. In terms of the street scene then the proposed dormer would not occupy a disproportionate area of the front roof slope and would be acceptable in design and materials.

To the rear the dormer would be flat roofed and set just below the ridge and in from the side by 0.4-0.5m. The walls would be slate hung to match the existing roof. Located to the rear this dormer would be less visible than the front dormer and rear dormers can be constructed under permitted development.

The proposed single storey rear extension would have a dual pitched roof with doors to the rear. Materials would be to match the existing.

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 increase the number of bedrooms from 2 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has no off street parking. There is a front garden and some of the terraces along the row have had the kerb dropped. This would be possible for the site however it would only allow 1 space. Whilst the proposal would increase the bedrooms adding a rear dormer would be possible under permitted development and this is a material consideration. The area has on street parking and there is public transport available. In conclusion there are not considered to be any justified reason for refusal with regard to parking.

Residential amenity - Both adjoining neighbours are extended single storey at the rear and the proposed single storey would project less than 3m from the rear of both. The front dormer would face down the road at Queen Street. To the rear there would be a distance in excess of 10m from the proposed dormer to the rear boundary which would be sufficient to comply with SPD6 Aspect Standards.

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 - The issues regarding impact on the visual amenity of the area are addressed in the above report. The proposal complies with SPD6 Aspect Standards set out in order to ensure proposals maintain adequate privacy distances. Parking in relation to this application is addressed in the above report. Planning cannot control on street parking. Any current or new applications would be dealt with on their own merits.

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

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of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 22/626.SP, 22/626.01, 22/626.02 (B), 22/626.03 (A) 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>
JL	13/10/22		