

DELEGATED REPORT

Report by Jane Langan	Date of report: 02/11/2020	Ref: 65982/FUL
Registration: 21/09/2020	LDFC: 29/10/2020	Expiry Date: 16/11/2020
Site Visit: 12/10/2020	Site Notice: 06/10/2020	Press Date: 08/10/2020
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Dormer at front. Partial removal of existing roof to form new balcony at side. Raised decking area to rear garden. single storey extension at side. Large sliding doors to west elevation.

Location: The Fairways, Hove Close, Tottington, Bury, BL8 4QF

Description

The property is a detached bungalow accessed off a single track through which public footpath No.35 runs. It has a garden to the north and west side and there is a drive and detached garage to the south side. The north boundary of the site borders a Golf course which is within the Green Belt and the public footpath runs along this boundary and south through the site. The largest section of the garden is to the west side and which is at a lower level than the property which has a stone patio with steps down. The garden is overgrown and there is mature planting and shrubs along the boundaries. A tree subject to a preservation order TPO No.31 is recorded on the site however has been removed, it would appear some time ago.

The closest neighbouring property is Hunt Fold House, a detached house located to the south side. It has an area used for parking bordering the site and its rear elevation has a door and a number of windows.

The application includes the addition of a flat roofed dormer to the north elevation to form a bedroom and bathroom. Part of the roof to the west elevation would be removed to create a balcony off the new bedroom which would project 3.7m deep and 7.8m across. It would be enclosed by glass balustrades. At ground floor the west elevation would be extended 0.7m to be flush along and sliding doors added. The patio would be replaced with a 4m deep area of decking extending 9.4m across.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 02/10/20. A site notice was posted on 06/10/20 and a press notice was placed in the Bury Times on 08/10/20. No responses have been received.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - Proposed works to opposite end to footpath. Informative to add.

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 - 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.

SPD 6 states that the Council will seek to ensure that proposals for dormers preserve the character of the street scene especially where dormers are absent. It further clarifies that flat roof dormers should be avoided unless considered more appropriate to the particular building or street scene, and that any dormer that faces a highway should not occupy a

disproportionately large portion of the roof.

The proposed dormer would run along the roof slope to the north side, set down towards the end of the property and running for 8m across. It would be flat roofed and materials noted to be grey cladding to the walls. The single storey extension would be small scale bringing the rear elevation flush. The creation of the balcony would see the dormer being a flat roofed extension to the west side in matching brick. Whilst flat roofed dormers are not uncommon to bungalows the flat roofed section that forms the balcony is considered to be a development poor in its design and relationship with the existing house and on a site which is located in a prominent position adjacent the golf course and a public footpath. The proposal would then be contrary to the criteria as set out within SPD 6.

The balcony would be enclosed by glass balustrades and would be a typical type of balcony seen in a domestic setting. The decking would be somewhat screened by the planting around the boundary however there are no details on the materials or any balustrades or railings to surround it.

Parking - The proposal would increase the number of bedrooms from 3 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 has a drive and detached garage to the south side and the parking arrangements are considered adequate.

Residential amenity -SPD6 Section 3 sets out general guidance for domestic extensions including that proposals should not reduce privacy through direct overlooking from windows, balconies or areas of raised decking.

The dormer would have windows to the north side elevation which would face towards the golf course and not to any neighbouring properties. The rear elevation of Hunt Fold House is in close proximity to the roof to the site and where it is proposed to create a balcony. This neighbouring property has a first floor lounge window to the rear which does raise concerns regarding amenity. The balcony would provide a large area of outside amenity space and allow overlooking close to the boundary. In addition the existence of the balcony as an outside space would be an un neighbourly and intrusive feature close to a habitable room window. Whilst it is acknowledged that no comments/objections to the proposal have been made it is considered unacceptable and contrary to SPD6 Section 3.

The decking appears to be replacing the patio to a depth of 4m and it scales at a height of 1.5m. There are no details on materials or any means of enclosure to the decked area. No existing or proposed site plans have been submitted with the application to show it in relation to the boundary with Hunt Fold House. There is an existing patio and replacement decking may be acceptable however without more detailed information it is not possible to fully access the impact to the neighbouring property.

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

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 design of the proposed dormer extension is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
H2/3 - Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of Hunt Fold House, by reason of the proposed balcony and its proximity to the first floor habitable room window. 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
- 3 The application and submitted plans contain insufficient information with regard to the proposed decking to enable it to be properly assessed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	02/11/20	DM	05/11/2020