

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/07/2023	Ref: 69583/FUL
Registration: 23/05/2023	LDFC: 20/06/2023	Expiry Date: 21/07/2023
Site Visit: 14/07/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Raising of roof ridge height and new rear dormer with juliet balcony

Location: 106 Butterstile Lane, Prestwich, Manchester, M25 9PP

Description

This application relates to a two-storey semi-detached dwellinghouse on 106 Butterstile Lane. The area is characterised by similar styled residential properties. The house has a driveway with a small garden to the front and larger garden to the rear.

The application proposes the raising of the roof height and a new rear dormer with a Juliet balcony. The height of the roof would be raised by 500mm, and the new dormer would have a flat roof and run for 5900mm across the majority of the roof. The development would utilise the use of some matching materials.

Relevant Planning History

43768 - SINGLE STOREY EXTENSION AT SIDE/REAR - Approve with Conditions
27/01/2005

62566 - Raise the existing roof at rear with new dormer at rear - Refused 03/05/2018.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposal to increase the roof height and the addition of a rear dormer with Juliette balcony would appear incongruous and create a dominant and discordant feature in the existing street scene and as such would be seriously detrimental to the visual amenity of the area. The type of extension proposed is not uncommon to residential properties, and there are examples in the area. However, only the application property proposes the raise of ridge height, neglecting the attached property. This would mean that the attached property would be lower than this property and therefore create a dominant and inappropriate feature in the existing street scene.

The design and scale of the proposal is considered out of character, in relation to the original design of the property as required by SPD6 and H2/3 is therefore considered unacceptable.

Residential Amenity

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

The raising of the roof would not be to a height that would have any serious impact on the neighbouring properties to either side. The properties to the rear are over 20m away. Therefore, the proposal would not then have any serious impact on the residential amenity of any neighbouring properties.

Parking

The proposal will result in no additional bedrooms and the driveway at its current condition meets the maximum parking requirements. Furthermore, there are off-street parking space(s) available if required.

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 development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies SPD6 and H2/3 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	21/07/2023	DM	24/07/23