

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/01/2023	Ref: 69017/FUL
Registration: 11/11/2022	LDFC: 10/12/2022	Expiry Date: 06/01/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with front, side and rear dormers

Location: 240 Stand Lane, Radcliffe, Manchester, M26 1JP

Description

The site relates to a semi-detached dwelling, which is located on Stand Lane. The property is two storeys in height and is constructed from red brick with a slate roof. The site shares boundary with No. 238 Stand Lane (attached) and No. 242 Stand Lane on either side. At the rear there is a large open space belonging to Chapelfield Primary School.

The proposed development involves a loft conversion with front and rear dormers. The proposed dormers would be constructed with matching materials and would flat slate roofs.

Relevant Planning History

64209 - Single storey extension at rear - Approve with Conditions 01/07/2019

66904 - Loft conversion with front, side and rear dormers - Withdrawn - Invalid 04/08/2021

17/0460 - Running a business from home - buying and selling cars - 18/01/2018

Publicity

Neighbour letters sent on 18/11/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

H2/3 Extensions and Alterations

HT2/4 Car Parking and New Development

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

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 - 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.

The immediate street scene is depicted by a mix of semi-detached properties the majority of which have no front dormers, however there are some gable roof details visible. Any dormers visible on properties are limited to rear dormers. 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. SPD 6 also states that flat dormer roofs should be avoided, unless considered more appropriate to the building or the street scene.

Even though both the front and rear dormers would be modest in size and utilise the use of some matching materials, they would still be obstructive to the original dwelling and the public arena. The front dormer in particular would over-dominate the design and character of the original property and the street scene and would therefore be considered unacceptable and as such 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 and the playing fields of Chapelfield primary school beyond.
- The proposed dormer extensions would be built entirely within the building's existing footprint.
- There would be no new side windows proposed and the proposed dormers to the front would be over 20 metres 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.

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 dormer with the flat roof design to the front of the building is 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	06/01/2023		