

DELEGATED REPORT

Report by Tom Beirne	Date of report: 13/05/2025	Ref: 71741/FUL
Registration: 20/03/2025	LDfC: 30/04/2025	Expiry Date: 15/05/2025
Site Visit: 06/05/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Hip to gable roof extension with loft conversion and dormers at front and rear

Location: 79 Bishops Road, Prestwich, Manchester, M25 0AS

Description

The application relates to a two storey, red brick, semi-detached house on a residential road of similar styled properties. The house has dormers on the side and rear and a driveway to the front. The attached neighbour at No.77 Bishops Road has been extended to the side and rear. The unattached neighbour at No.81 has a driveway along the shared side boundary. The same property has lounge and kitchen windows on the side at ground floor with bathroom/WC windows above.

The proposal involves the creation of a gable end from the existing hipped roof and adding a small pitched roof dormer on the main roof at the front and a larger box dormer extending across the extended rear roofplane. The proposal would add two additional bedrooms within the roofspace and be finished in tiles to match the roof.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 04/04/2025. One objection received from neighbour and a comment from another. Concerns are summarised:

- Overbearing impact and greater sense of enclosure due distance from development
- Obstruct views from our property windows
- Impact and reduced natural light that is currently available, with the Right to light provisions apply.
- Significant impact on my living conditions
- Overshadowing and loss of light to rear garden
- Further reduction in privacy to rear garden.
- The attached neighbour has also commented that the development along the party wall should not damage the roof.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - The pitched roof dormer on the front would sit relatively comfortably within the roofplane and would appear in keeping with the house and wider streetscape. The larger box dormer on the rear would sit within the rear roofplane and would not be readily viewed from Bishop Road. It would be seen from Meadfoot Avenue but again views would not be particularly prominent or incongruous and with materials in keeping with the existing house, the proposal is acceptable in terms of visual amenity, would comply with UDP Policy H2/3 and guidance within SPD6 relating to extensions and alterations.

Residential amenity - The front dormer overlooks the front garden and Bishops Road and does not raise any amenity issues.

It is noted that there is already a degree of overlooking of neighbours from the existing windows, including a dormer, on the rear. With over 14m from the rear elevation to the rear garden boundary with No.1 Meadfoot Avenue, the new rear dormer would not increase overlooking significantly given distances involved and in view of the existing dormer on the rear. It is noted that the neighbours to the side have concerns about overlooking. Again, given that the views from the new dormer window would not be direct this is not considered to be a serious issue that warrants refusal. In a suburban environment such as this, it is common for windows to indirectly overlook neighbouring gardens.

The new gable wall would have some impact on the outlook from the ground floor side lounge window in the neighbouring property (No.81), given that currently the roof is hipped, albeit with a small side dormer in the upper section. However it is noted that the formation of a gable from a hipped roof would normally be permitted development. It is the rear dormer, extending across the new roof that requires permission and in this context the assessment would be on the impact of the side of the dormer and this is not considered to be so significant as to warrant refusal. It is noted that, although the lounge window is the primary window in the room, it is a side window and this is given limited weight in any assessment and although habitable, it is not the primary lounge area for the occupiers. There is a gap of over 5m between the window and the main side wall of the applicants house. With No.81 being at a higher level, the impact on light into the room is mitigated somewhat. On balance, the impact of the proposal on the residential amenity of the occupiers of No.81 is not so significant as to warrant refusal.

There are no serious residential amenity issues arising from the proposal and as such it is deemed acceptable and complies with UDP Policy H2/3 and guidance within SPD6 relating to extensions and alterations.

Neighbour comments - The material planning issues raised by the neighbours have been addressed in the above report. The issues with regard to party wall and damage to the roof would be matters dealt with at the building regulations stage and through the PartyWall Act.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 502, 002A, 002B, 003A/1 and 003B/1 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 and Places for Everyone Joint Development Plan listed.

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- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and 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>
Tom Beirne	13/05/2025		