

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/06/2023	Ref: 69496/FUL
Registration: 10/05/2023	LDfC: 05/06/2023	Expiry Date: 05/07/2023
Site Visit: 18/05/2023	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: Loft conversion with raised roof ridge and rear dormer extension

Location: 89 Ripon Hall Avenue, Ramsbottom, Bury, BL0 9TQ

Description

The property is a two storey detached house located in a cul de sac on a residential estate. It has been extended two storey at the side and single storey at the rear. The neighbouring properties each side are Nos.87 & 91 and both detached houses of a similar design. There are no properties directly at the rear where there is a wooded area.

The application proposes to raise the ridge of the roof by approximately 1m and construct a flat roofed dormer to the rear. It would be set 0.3m below the new ridge, in 0.5m from the roof edges and 0.6m back from the rear wall. The walls would be tile hung of a colour and texture to match the main roof and the gable built up in brick to match the existing. The extended roof space would form two additional bedrooms.

Relevant Planning History

66951 - Two storey extension at side; Single storey extension at rear - AC 17/08/20201.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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 site is located in a cul de sac and the 4th property in a row of 5 detached houses before the turning area at the head of the cul de sac. The row comprises of properties of a similar design and slope down to the east where the houses at the head of the cul de sac are lower and of a different design.

The proposal would see the roof ridge raised by approximately 1m. With the dormer set below the ridge it would not be readily visible and rear dormers are a common type of roof extension. In addition with the lowering in levels along the row and the site location on a short cul de sac it is not considered that the proposal would result in an intrusive feature that would give grounds for refusal.

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 5 to 7 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 a shallow front garden which has been fully hard surfaced. A previous extension constructed at the side reduced the drive length and the applicant was using the service strip area which is still the case, they were advised that it may be required to be accessed by public utilities. As such there is no scope for any further parking to be created. The cul de sac has no parking restrictions, but limited on street parking, and the area does have public transport available. In conclusion there are not considered to be grounds for

refusal with regard to parking.

Residential amenity - Located to the rear roof slope the dormer would not impact on the neighbouring properties to either side. SPD6 can require 7m from a first floor habitable window to a rear boundary and an additional 3m where a proposed window is a storey higher. This is in order to maintain adequate privacy distances. There would be a distance of less than 10m in this instance at approximately 8.9m from the proposed dormer to the rear boundary. There are no properties directly at the rear, beyond the boundary is a wooded area. Whilst the applicant is not the owner of the land at the rear it would be the case that the dormer would be higher but would not bring any habitable rooms closer than those as existing. With no private amenity space at the rear, on balance in this instance and at this particular site, it is not considered that there are grounds for refusal.

The proposal would not conflict with the purposes of 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 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 the drawings - existing and proposed plans and elevations dated March 2023, front street view and roof plan dated May 2023 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	21/06/23		