

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 08/03/2022

**Ref:**68003/FUL

Uhunmwagho

**Registration:** 20/01/2022

**LDfC:** 23/02/2022

**Expiry Date:** 17/03/2022

**Site Visit:** 17/02/2022

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 1

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Dormer extension across the front elevation

**Location:** 82 Watling Street, Bury, BL8 2TG

**Description**

The application relates to a semi-detached bungalow which has dormers to the front and rear of the property. The proposal is to extend the front dormer across the front elevation. The roof would remain flat.

**Relevant Planning History**

45228 - CREATION OF PITCHED ROOF TO REPLACE FLAT ROOF ON EXISTING REAR DORMER & NEW DORMER EXTENSION AT REAR - Refused 02/11/2005

45706 - CREATION OF PITCHED ROOF TO REPLACE FLAT ROOF ON EXISTING REAR DORMER AND NEW DORMER EXTENSION AT REAR - Lawful Development 08/02/2006

62023 - Lawful development certificate for proposed single storey rear extension - Lawful Development 30/11/2017

15/0570 - Removal of stone wall and creation of parking spaces on farm land - 06/01/2016

**Publicity**

Seven neighbours were notified about the proposal. One objection was received. The neighbour gave the following reasons for objection;

- Will block the view of the street from my front bedroom window.
- Will significantly change the appearance of the street due to no other property ever had this done.
- Will change the appearance of my property as it currently has a symmetrical view.

**Statutory/Non-Statutory Consultations**

None

**Pre-start Conditions** - Not relevant

**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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

**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.

Watling Street consists of semi-detached and detached two storey properties as well as bungalows. The bungalows along this particular section of Watling Street have a small flat roof dormer to the front elevations.

The initial plans submitted included creating a larger flat roof dormer across the front of this property by extending the dormer forward as well as to the side. Following a neighbour objection and site visit it was decided that the larger dormer on the front of the property would result in the loss of symmetry with the attached neighbour as well as appearing out of

character in the streetscene as the other bungalows all have much smaller dormers.

With the above in mind revised plans were submitted which show that the dormer would only be extended to the side rather than towards the front of the building. In doing so the overall character of the property would be retained and the dormer would be considered to be in keeping with the existing building and there would be no significant detrimental effect on the character of the streetscene.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

**Residential Amenity -**

- The dormer would be a sufficient distance from neighbouring properties to the front not to have any detrimental impact on residential amenity at those properties.
- As there would be no change to the size or position of the dormer to the north side there would be no impact on residential amenity at no.84 Watling Street.
- The dormer would be positioned on the existing roof with no windows to the south side. As such there would be no significant detrimental effect on residential amenity at no.80 Watling Street to the south side.
- As the extension would be to the roof only there would be no impact on the existing parking arrangements within the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

**Response to neighbour objection -**

The concerns of the neighbour have been addressed in the report above and by the receipt of revised plans. As the revised plans addressed the objection the objecting neighbour has not been notified of the revised plans in this instance.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 JH2-00, JH2-01 and JH2-03 received on 20/01/2022 and revised drawings numbered JH2-02A and JH2-04A received on 07/03/2022 as modified by the email from PPY design Ltd dated 07/03/2022. The development shall not be carried out except in accordance with the details hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design

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pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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> |
|---------------------|-------------|-------------------------|-------------|
| AU - 08/03/2022     |             |                         |             |