

DELEGATED REPORT

Report by Amanda

Date of report: 17/04/2024

Ref:70500/FUL

Uhunmwagho

Registration: 12/03/2024

LDfC: 08/04/2024

Expiry Date: 07/05/2024

Site Visit: 09/04/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Loft conversion with dormer ar at rear; Replacement of existing flat roof at side with pitched roof and conversion of garage to living accommodation; Alterations to windows/doors including new first floor window to side elevation and render to all external elevations.

Location: 62 Milbourne Road, Bury, BL9 6PU

Description

The application relates to a detached bungalow. There is a flat roof garage/store to the side which has previously had the garage door replaced with windows and a pedestrian door. There is a driveway to the front of the house for one vehicle. There is a small front garden with brick wall along the front boundary. At the rear there is a private garden with fences to all boundaries and open fields to the rear. There is also planting to all boundaries.

The proposal is to convert the loft and add a flat roof rear dormer as well as converting the garage into living accommodation. There would also be a new pitched roof to the converted garage, alterations to windows and doors, including a new first floor window to the side elevation and render to all external elevations.

Relevant Planning History

N/A

Publicity

4 neighbours were notified on 14/03/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections following removal of proposed driveway extension on revised drawings received on 09.04.2024. Condition and Informative suggested.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PfE Places for Everyone

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.

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.

Milbourne Road consists of both two storey houses and bungalows. Some of which have been previously extended. Two properties opposite the site are rendered and no.64 also has render to the front elevation. As such it is considered that the proposed render to all external elevations would not have any significant detrimental effect on the character of the existing streetscene.

It is possible that a similar sized rear dormer could be built under permitted development rules. However, it would be built with a design and materials that would be considered to be in keeping with the rest of the building and it would only be visible from the rear gardens of the adjacent neighbours and fields at the rear. It would not be openly visible in the public realm along Milbourne Road to the front.

The proposed windows and doors and new pitched roof to the side would also be considered to be in keeping with the rest of the property.

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 -

- There are open fields to the rear of the site.
- The proposed dormer would be around 11.5m away from the rear boundary.
- There would be no windows to the sides of the dormer.
- The dormer would not project beyond the rear elevation of no.64 next door and it would be positioned away from the shared boundary with no.60 on the opposite side.
- A new first floor window would be installed to the existing north side elevation. This would be a secondary window to a bedroom. Normally a first floor habitable room window would be required to be at least 7m from a boundary in order to limit detrimental impact on privacy to a neighbouring property and/or land. In this instance the window would face on to the garage roof at no.64 next door and users of the new bedroom would not have any direct views over private garden areas or towards windows. In fact there are no windows to the south side of no.64. However, a condition would be added to the decision advising that this window should be obscurely glazed upto an internal height of 1.7m from floor level in order to minimise any detrimental impact on privacy levels between the two properties.
- There would be no extensions forward of the existing front elevation.
- The pitched roof to the garage conversion to the side would not have any significant detrimental impact on residential amenity at properties to the front and side of the site.
- There would be a new bathroom window and external door installed to the south side elevation. The bathroom window would be obscurely glazed. There are no habitable room windows to the side of no.60 Milbourne road.
- Properties to the front of the site would be a sufficient distance from the front of the application dwelling not to have any significant detrimental effect on residential amenity.
- Given there are a number of different types of properties along Milbourne Road the proposed new and replacement windows and doors, and proposed render would not have any significant detrimental impact on the character of the existing streetscene.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the driveway at the front and there is also ample on street parking available to the front of the site.

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 received on 09/04/2024 as modified by the email from MOJO Architecture dated 09/04/2024. 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 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 be white render to all elevations, and all other materials would 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.
- 4 Before the first occupation of the extension hereby permitted the ground floor wc window to the south side elevation and the first floor bedroom window to the north side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	17/04/2024	DM -	19/04/2024