

DELEGATED REPORT

Report by Jane Langan	Date of report: 16/01/2023	Ref: 69014/FUL
Registration: 24/11/2022	LDFC: 30/12/2022	Expiry Date: 19/01/2023
Site Visit: 12/12/2022	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: Roof extension at side with side and rear dormers to form first floor living accommodation; Extension to existing garage at front

Location: 2 Pleasington Drive, Bury, BL8 2ET

Description

The property is a detached bungalow with garden and drive to the front. To the side is an attached garage and to the rear a single storey extension. The rear garden has fencing/walls enclosing and there is a decked area and an outbuilding. The neighbouring property to the west side is No.4 and the same bungalow type. Its side elevation to the site has an obscure glazed window. To the opposite side the site borders the rear garden to 4 Affetside Drive, also a bungalow. To the rear the site garden borders the rear garden to 60 Lowercroft Road.

The application includes an extension to the flat roofed garage to form a pitched roof with a side gable wall. The garage would also be extended out 1m at the front. A flat roofed dormer would be added to the rear slope of the new garage roof and run across as a side dormer to the existing west side roof slope and roof lights added to the existing east side. The roof extension would add 3 bedrooms and a bathroom. An existing ground floor bedroom would be converted to a playroom.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 29/11/22. A further 21 day letter was sent 07/12 regarding the amended description to include the garage extension. One response has been received from a nearby neighbour the comments in summary are :-

- Only problem is that it might obstruct the light coming into my bathroom. Have spoken to my neighbour and he verifies that it shouldn't. We will have to see after completion.

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 proposed pitched roof would extend over the garage running from the main ridge and forming a side gable wall. The garage extension at the front would be small scale at 1m deep. The flat roofed dormers would be located to the rear and not readily visible from the main street view. Materials for the new roof would be to match the existing. A standard condition is added for matching brickwork to the gable wall. The dormer walls are noted to be in dark grey timber effect cladding.

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 2 to 4 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 drive at the front that can accommodate at least 1 vehicle and there may be potential for further to the front garden if the applicant should require it. The extended garage would see a remaining drive 5.5m in length. As this is a minimum a condition is added. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The extended roof would from a side gable that would run adjacent the side elevation to 4 Pleasington Drive which has only one obscure glazed window. Whilst the proposal would have some impact on this window SPD6 seeks to protect principle windows to main aspects. The proposal would not impact on the main windows to the front and rear elevations of this neighbouring property. The proposed side dormer would have one window facing towards No.4. It would be high level, the plans noting 1.7m to the cill. For the avoidance of doubt a condition is added for it to be from inside floor level to cill. There would be a window to the existing rear elevation to the top of the gable, the plans note this to be an escape window. It would be less than 7m to the rear boundary therefore a condition is added for it to be obscure glazed. This would result in there being no main windows to the site to this bedroom, having a high level and obscure window. There would be roof lights and with these and the two windows there would be no outlook as such but there would be light. Whilst not ideal it would be a loft room and the layout is that as proposed by the application. The agent has been advised and accepts the condition for the obscure glazing.

The proposed rear dormer would have a bedroom window and there would be a distance in excess of 7m from this window to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour comments

The issues regarding impact on the relevant neighbouring properties are addressed in the above report.

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 P101, P102, Revised existing and proposed site plans 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.

- 3 The external brickwork for the gable wall hereby approved shall match that 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 window to the dormer to the west side roof slope shall, as shown on the approved plans, be high level at 1.7m from inside floor level to cill 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 Before the first occupation of the extension hereby permitted the new bedroom window to the first floor of the existing rear 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.
- 6 A minimum hardstanding of 5.5m measured between the highway boundary and the garage doors shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan 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>
JL	16/01/23	DM	16/01/2023