

DELEGATED REPORT

Report by Mo Warsame	Date of report: 17/01/2023	Ref: 69033/FUL
Registration: 31/10/2022	LDfC: 01/12/2022	Expiry Date: 26/12/2022
Site Visit: 16/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with front and rear dormers

Location: 99 Kings Road, Prestwich, Manchester, M25 0JS

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. The dwelling has a driveway to the side and a private garden to the rear. The neighbouring properties on either side are No. 97 Kings Road (attached) and No.101 Kings Road. To the rear the property shares a rear boundary with No.2 Fairway.

Planning permission is sought for loft a conversion with front and rear dormers. The development would accommodate 3 additional bedrooms and a bathroom on the loft area and would come with a front pitched dormer and a larger flat roofed rear dormer. The proposal would also utilise the use of matching materials.

Relevant Planning History

58680 - Two storey extension at side; Single storey succah extension at rear; First floor extension at rear; Front porch - Approve with Conditions 10/06/2015

Publicity

Neighbour letters sent on the 10/11/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

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.

There are not many properties along Kings Road that have dormers to the front. However, the proposed dormer to the front would be modest in size and have pitched roof which would appear sympathetic to the original dwelling and in the street scene. As such, the front dormer would have no detrimental impact on the existing street scene. Furthermore, the development would be built with design and materials that would be in keeping with the existing building and therefore would be acceptable.

The proposed flat roof dormer to the rear could be built under Permitted Development rules and this part of the development would not be openly visible in the street scene on Kings Road. It would be visible from Fairway to the north adjacent to Sedgley Park Community Primary School. However, given the development could be built under Permitted Development rules and there are other properties in the area also with rear dormers there would be no detrimental impact in terms of visual amenity.

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

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The properties directly to the front of site are approximately 22 metres from the front of the application property. Therefore, the front dormers would have no detrimental impact on residential amenity. Additionally, the development would have no proposed side windows.

Built on the existing footprint of the existing roof, the rear dormer could be built under Permitted Development rules but has been included on the proposal as permission is required for the dormers to the front. There would be approximately 6 metres from the rear dormer to the rear boundary which is shared with No.2 Fairway. Whilst this distance is not ideal, it would however be acceptable as this property (No.2 Fairway) is sufficiently set back from the shared boundary and as such there would not be any seriously detrimental impact on residential amenity at this property to the rear.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - 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 received on 01/11/2022 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 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	17/01/2023	DM	17/01/2023