

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/04/2024	Ref: 70487/FUL
Registration: 13/02/2024	LDFC: 06/03/2024	Expiry Date: 09/04/2024
Site Visit: 29/03/2024	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: Demolition of existing conservatory; Single storey rear/first floor rear extension; Alterations to existing roof to include loft conversion with rear dormer

Location: 38 Swinton Crescent, Bury, BL9 8PB

Description

The property is a detached house of traditional inter war design and set within an estate of similar properties. The premises has a garden to the rear and a drive to the front. The adjacent properties on either side are No. 36 and No. 40 Swinton Crescent, both of which are semi-detached properties but with similar style design to the application property.

Planning permission is sought for the erection of a single storey rear extension, a first floor rear extension along with alterations to existing roof to include loft conversion with rear dormer. The single storey rear extension would project 3.8m to the rear, effectively replacing the existing conservatory to create a larger open plan extension. The first floor extension would also project 3.8 to the rear but would only run 3.5 to the side. This part of the development would facilitate a bedroom extension. The proposed rear dormer would also facilitate a bedroom and would have flat roof, the single storey rear element would have a mono-pitched roof with roof lights while the first floor extension would have pitched, hipped roof. The proposed development would utilise the use of matching materials.

Relevant Planning History

48969 - FIRST FLOOR SIDE EXTENSION AND SINGLE STOREY
EXTENSION/CONSERVATORY AT THE REAR - Approve with Conditions 18/01/2008

49978 - FIRST FLOOR EXTENSION AT SIDE WITH PITCHED ROOF OVER (INCLUDING
EXISTING TWO STOREY EXTENSION); SINGLE STOREY REAR EXTENSION ; REAR
CONSERVATORY; CONVERSION OF GARAGE TO PLAYROOM - Approve with
Conditions 04/07/2008

24/0136 - Erection of outbuilding -

Publicity

Neighbour letters sent. 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The first-floor rear extension would not project beyond the existing footprint of the host property. Moreover, it would have a pitched, hipped roof forming a rear gable with the existing single storey. As such, it would be a modest structure that would appear subservient to the existing dwelling. The development would also be constructed with matching materials and therefore would be considered acceptable.

The single storey rear element would have a simple design that would replace the existing conservatory without extending beyond the existing footprint.

The proposed dormer to the rear that would facilitate the loft conversion would also be a modest extension with flat roof. Furthermore, the dormer would be setback from the eaves and ridge of the main roof. The proposed roof alterations would give the dwelling a more balanced appearance, which would be acceptable.

Overall, It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- The proposed ground floor level would have no proposed side windows and it be screened by existing boundary treatments. As such, the condition would not be seriously excessive above and beyond the existing situation.
- The first-floor rear extension and the dormer to the rear would have no proposed side windows and would be located over 20m from the shared rear site boundary.
- Following the application of the 45-degree rule, the first-floor extension would have no detrimental impacts on the outlook and privacy of the adjacent neighbours.
- There would be an acceptable amount of private outdoor amenity space.
- As there would be no increase to the number of bedrooms at the property therefore, the existing parking arrangements would be considered acceptable.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal would not increase the number of bedrooms and given the fact there would be no changes to parking layout, it is therefore considered that the parking arrangements would be sufficient.

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 Sheet 1, Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6, Sheet 7 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW - 08/04/2024		DM	09/04/2024