

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/11/2024	Ref: 71131/FUL
Registration: 16/09/2024	LDfC: 11/10/2024	Expiry Date: 11/11/2024
Site Visit: 15/11/2024	Site Notice: N/A	Press Date: N/A
15:00:00		
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor extension at side and loft conversion with rear dormer

Location: 46 Linksway Drive, Bury, BL9 8EP

Description

The property is a detached house situated on Linksway Drive. There is parking to the front of the house with a small open plan garden. Access to the rear of the property is via a gate to the side. There are open fields to the rear of the property and the adjacent properties on either side are No.44 and No.48 Linksway Drive.

Planning permission is sought for the erection of first floor extension at side and loft conversion with rear dormer. The proposed first floor extension would have the same footprint as the existing single storey element, except it would not project beyond the principal front elevation. It would be flush with the principal front elevation. However, to the rear the proposed first floor extension would follow the footprint of the single storey side element by extending 1326.5mm to the rear. This part of the development would have a pitched roof and accommodate two bedrooms.

The proposed loft conversion would be facilitated by the installation of a flat roof rear dormer. The dormer would have setback from the sides and the ridge of the roof. This section of the proposal would facilitate two bedrooms and a bathroom. Overall, the proposal would be constructed using matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. One objection received.

Comments

There are concerns relating to the size of the dormer and the additional bedrooms potentially leading to parking issues.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual Amenity

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

Situated to the side, the single storey side extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. This element would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene.

The proposed first-floor extension would have a pitched roof, effectively replicating the shape and style of the existing. Meanwhile, the proposed rear dormer would have a flat roof. However, it would be a modest structure that would be set below the existing ridge of the main roof. As such, the proposed dormer would not be visible from the main street.

Overall, the development would be constructed using matching materials and the design would be in keeping with the character of the host dwelling. The proposal is therefore considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Residential Amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear; there would be sufficient separation distance to the rear and no properties exist beyond.
- The proposed first floor side extension would have no proposed side windows. Furthermore, there would be no encroachment on any of the residential amenity currently enjoyed by the neighbouring properties following the application of the 45 degree given its modest projection to the rear.
- The proposed dormer extension would not extend beyond the ridge height and therefore not visible from the street scene at the front and there would be no properties to the rear.
- The proposed dormer would not have windows to the sides. Furthermore, the adjacent neighbours have not objected. Therefore, the proposed rear dormer extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal will result in three additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Response to Objection

There would not be any significant detrimental impact on any of the neighbouring properties. The concerns relating to the potential parking issue that could be caused by the additional bedrooms (extra inhabitants) is valid. However, it would not automatically warrant a refusal. The overall scale of the development is modest and there are a number of similar developments within this street. Therefore, the development would not lead to any adverse impacts.

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 dwg no. ZT24-196-01, dwg no. ZT24-196-02, dwg no. ZT24-196-03, dwg no. ZT24-196-04, dwg no. ZT24-196-05, dwg no. ZT24-196-06 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 and Places for Everyone Joint 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	21/11/2024	DM -	22/11/2024