

## **DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 25/03/2024

**Ref:**70510/FUL

Uhunmwagho

**Registration:** 20/02/2024

**LDfC:** 23/03/2024

**Expiry Date:** 16/04/2024

**Site Visit:** 15/03/2024

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:**

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Garage conversion including change from garage door to window together with new pitched roof to front/side and removal of ground floor side window and installation of new obscure glazed window

**Location:** 33 Keats Road, Ramsbottom, Bury, BL8 4EP

### **Description**

The application relates to a detached bungalow with an attached garage to the side. To the front of the property there is a garden area and driveway for one vehicle. There is a private garden area to the rear of the house.

The proposal is to convert the existing garage into a study and en-suite bathroom to an existing bedroom. There would be a new window to the front, new bathroom window to the side and the existing window in the side elevation would be removed and the wall bricked up. The walls would be finished with bricks to match the existing building and the new windows and pitched roof would be constructed using materials that would match the existing dwelling.

### **Relevant Planning History**

N/A

### **Publicity**

6 neighbours notified on 01/03/24 - No comments or objections received.

### **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

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) 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.

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.

The proposed design and finished materials used for the garage conversion and new pitched roof would be considered to be in keeping with the existing building. As such it would not have any significant detrimental effect on the character of the existing streetscene.

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 -**

- The front of the garage would be converted into a study, which is classed as non-habitable and there is a highway to the front of the site. As such the separation distance between the application property and properties to the front of site would be sufficient enough not to have any significant detrimental impact on residential amenity at those properties.
- The only new window to the side would be an en-suite bathroom which would have an obscurely glazed window. However a condition would be added to the decision to ensure that this window would remain obscurely glazed at all times in the future.
- There would be no changes to the rear elevation.
- The pitched roof would be pitched with the same angle as the existing roof. The site is due north of no.35 next door but as the roof would remain lower than the existing roof it would not have any more of an impact on light to no.35 than the existing building does already.
- The conversion of the garage would reduce parking availability on site to just one space, but the fact that the garage could be converted as permitted development this would not be a reason to refuse the proposal.

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. Although one parking space would be lost with the conversion of the garage there would still be one drive space remaining to the front of the property and there are no parking restrictions to the highway in front. As such, in this instance parking arrangements would be considered acceptable.

**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 24-01-01 01 Rev A and 24-01-01 02 Rev A 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 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 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 en-suite bathroom window to the 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 25/03/2024     |             | DM                      | 25/03/2024  |