

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 07/02/2024	Ref: 70283/FUL
Registration: 14/12/2023	LDfC: 25/12/2023	Expiry Date: 08/02/2024
Site Visit: 21/12/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Dormer extensions to front & side elevations; Single storey side extension and enlargement of bay window

Location: 219 Ainsworth Road, Bury, BL8 2SQ

Description

The proposal relates to a detached bungalow located on the south-west side of the junction between Ainsworth Road and Grange Road. The existing dwelling occupies an elevated position above the surrounding adopted roads. The site is bounded by detached and semi-detached bungalows and semi-detached dwellings oppose the bungalow on Ainsworth Road and Grange Road.

The proposal is for dormer extensions to front & side elevations; Single storey side extension and enlargement of bay window. In detail it would comprise:

- Two flat roof box dormers, one of either side of the rear element of the existing dwelling. Each would be 5.7m long and set down around 200mm of the ridge.
- A 1.2m wide ridged dormer to the principal elevation, set between the two bay windows. It would align with the existing roof profile and main ridge.
- Small extension to the west side elevation to widen the existing bay and extend the roof over it and the existing flat roof.

The dormers would be clad in dark grey pantiles to cheeks and rubber to the flat roof and walls in red facing bricks and natural slates to the side extension.

Relevant Planning History

69339 - Hip to gable roof extension with 2 no. side dormers; Single storey side extensions - Withdrawn by Applicant 28/03/2023

69853 - Lawful development certificate for proposed conversion of the hipped roof to a gable profile to the front elevation.

Publicity

Direct neighbour notification undertaken on 30/11/2023. One representation has been received objecting to the proposal on the following grounds:

- Additional loss of privacy to opposing properties to the north.
- Additional loss of light/overshadowing due to the elevated position and the additional height/mass of the side dormers.
- Harmful impact on road safety due to an increase in accommodation and vehicle movements to/from the site and additional parking on the Ainsworth Road.
- Concern about subsidence and heave as Elton is subject to old mine workings.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

ASSESSMENT

The main considerations of this application are the impact of the proposal on visual and residential amenity and road safety.

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 Council will seek to ensure that proposals for dormer/roof extensions preserve the character of the street scene, especially where dormers on existing neighbouring properties are absent. Proposals for dormer/roof extensions will be assessed against the following criteria;

- dormers with pitched roofs should not project above the original ridge line. In all other cases the roof of the dormer should be 0.5 metres or more below the main ridge line;
- dormer windows should seek to line up vertically with existing windows and match their style and proportions;
- any dormer which results in undue overlooking of a neighbouring property will be unacceptable and dormers will be expected to maintain normal aspect standards;
- conversion of existing flat roofs to pitched roofs is generally considered acceptable; and
- proposals to increase the height of a house or bungalow by extending the roof can appear incongruous and will be assessed on its impact on the character of the street scene and amenity of neighbours.

The existing dwelling has a 'T' form roof in plan view with the top of the 'T' being at a lower level and fronting the street. The arm of the 'T' extends back and has a higher roof than that opposing Ainsworth Road.

Dormers are not a feature in the framing street scene. The proposed dormer to the front elevation facing Ainsworth Road would be a relatively modest feature at 1.2m wide and would align with the existing roof profile. However, due to the higher roof at the rear, the two proposed side dormer would project about the principal north facing existing roof, such that the blank side elevations would be projecting around 500mm above and would therefore be prominent and highly visible from Ainsworth Road to the detriment of visual amenity and the street scene. The proposed side dormers would therefore be contrary to UDP Policy H2/3 and guidance in SPD6.

The proposed side extension would follow the form and materials of the side gable elevation, would constitute a minor extension and would not be a prominent new feature in the street scene.

Residential Amenity

The proposed north facing dormer would not extend further forward (northwards) and would be over 25m from nearest opposing windows to dwellings on the north side of Ainsworth Road. The side dormers would oppose either the blank side elevation of the neighbouring dwelling to the east or the garden of the host property, with Grange Road beyond. The proposal would not therefore undermine existing neighbouring residential amenity by way of loss of privacy or overshadowing.

The proposal would therefore conform with UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions.

Parking and road safety

The proposal would not result in an increase in the number of bedrooms at the property (remaining as a 4 bedroom dwelling), and would not therefore require an increase in off-street parking (the site can presently accommodate 3 vehicles, including the garage)).

The objection thereafter refers to the individual motoring behaviour of occupiers, which is not a material planning consideration.

Other matters

Concerns have been expressed in relation former coal mining activity and subsidence. The proposal is for minor additions to an existing dwelling and the site does not fall within the Coal Authority Referral Area.

CONCLUSION

The proposed extension would have unacceptable impacts upon visual amenity and the character and appearance of the area. As such, the proposal would be contrary to the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal should be refused.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed flat roof side dormers, by reason of their elevated position and form, would be a prominent and intrusive feature in the street scene and neither appropriate to, nor sympathetic with the existing dwelling, and therefore, would be significantly detrimental to the visual amenities of the area. The proposed development therefore conflicts with policy H2/3 - Alterations and Extensions of the Bury Unitary Development Plan and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

<u>Case Officer</u> DSC	<u>Date</u> 07/02/2024	<u>Sign off Officer</u>	<u>Date</u>
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