

DELEGATED REPORT

Report by Amanda

Date of report: 12/07/2023

Ref:69658/FUL

Uhunmwagho

Registration: 30/05/2023

LDFC: 13/07/2023

Expiry Date: 25/07/2023

Site Visit: 20/06/2023

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Raise roof ridge and loft conversion with front and rear dormers

Location: 5 Kennedy Drive, Bury, BL9 8PN

Description

The application relates to a detached bungalow which has an attached garage to the side. The applicant's garage is attached to a double garage belonging to no.7 next door. At the front of the site is a garden open to the highway in front and drive for up to three vehicles. To the rear there is a patio directly to the rear of the property with steps leading up to a raised garden/patio area. There are fences to all boundaries, approximately 1.8m high.

The proposal is to raise the height of the ridge by 950mm, from 4.7m to 5.65m, and the existing chimney is to be removed. There would be two pitched roof dormers and two rooflights to the front and a large flat roof dormer across the rear of the roof. The extension would provide 4 bedrooms, a bathroom and an en-suite bathroom to the first floor.

Relevant Planning History

N/A

Publicity

Neighbours notified on 07/06/2023 - Two objections received. A summary of the objections is listed below.

- One neighbour's initial comments were that there were no proposed elevations to view online. The relevant drawing was subsequently republished to the website.
- The raised ridge and rear dormer would directly overlook their property and would have a detrimental impact on privacy at their property and garden, as well as their neighbour's homes.
- The proposal will impact on their enjoyment of their home and garden.
- There are a number of 2 bedrooms/1 bathroom bungalows in the area. The proposed design would result in a 4 to 6 bedrooms/3 bathroom property, which would be out of character and usage.
- The proposed front dormers are totally out of character with the streetscene.
- The proposed flat roof full width dormer with increased ridge height is neither appropriate or sympathetic with the existing structure and detrimental and intrusive when viewed from gardens and public areas.
- One neighbour's view of 5 Kennedy Drive is predominantly the roof over the fence line. The large dormer with two bedroom and two bathroom windows would dominate their view.
- The proposal would create a two storey residence that would be disproportionately sized in relation to those in the immediate and wider surrounding area. Granting this application would set an unwelcome precedent.
- Aesthetically It would be a carbuncle in the locality and one has to question the need

for such an oversized property (with stairs!) for occupation by two elderly residents. With such a proposed increase in bedroom capacity we have to wonder if there is an underlying intention to create a HMO?.

- I will be approaching my local councillor directly to express my view.

On 03/07/2023 one neighbour sent in the following further comments;

Further to my previous objections I wish to refer to the council planning document SPD6 6.1 "any dormer which results in undue overlooking of a neighbouring property will be unacceptable and dormers will be expected to maintain normal aspect standards"

- The proposed rear dormer with windows will result in UNDUE overlooking of our property as stated above in SPD6 6.1 and will be unacceptable.
- SPD6 3.12 " Extensions maintain adequate privacy standards by minimising overlooking into adjacent neighbouring properties from new windows, balconies and areas of raised decking. As such there should be a minimum distance of 7m between first floor habitable room windows of any extension and a directly facing boundary with a neighbouring property" - Has the 7m distance been verified?
- Further to this SPD6 3.15 "Any assessment will take into account significant change in levels or new accommodation to be provided at a higher storey which may result in, for example, principal windows to single storey extensions having the same effect as a two storey extension. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases" As the proposed rear dormer is in effect creating a higher storey newer accommodation the minimum separation should be increased to min 10m

Statutory/Non-Statutory Consultations

None

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. 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.

Kennedy Drive consists of a mixture of two storey properties and bungalows. There are a couple of nearby properties with front dormers but other than that there are no other properties which have dormers to the front. However, the proposed dormers would not occupy a disproportionate area of the roof space at the front and they would be built with materials and a design that would be considered acceptable on this property.

In order to accommodate the new first floor rooms the ridge would be raised from around 4.7m to 5.65m. The agent has provided a streetscene drawing to show how the extended building would look in between numbers 3 and 7 Kennedy Drive. There is a gap of around 11.5m between the application property and no.7 to the south east and this would remain. With regards to no.3 the new ridge would be around 464mm higher than the this property and the gap between the two properties would remain the same. Taking this in to account along with the fact that there are a mixture of bungalows and two storey houses along Kennedy Drive the increased ridge height would not have any significant detrimental impact on the character of the existing streetscene.

The dormer to the rear would extend across the whole of the rear of the roof and the dormer cheeks would be tile hung to match the existing roof. Although the dormer would be quite large it would only be visible from the rear gardens of nearby properties and would not be readily visible in the public realm, along Kennedy Drive. As such the design would be considered acceptable in this location.

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 -

- Properties to the front would be more than a sufficient distance from the proposed front dormers not to have any significant detrimental impact on residential amenity at those properties.
- The rooflights to the front would be installed at a suitable height so that user of the first floor rooms would not have clear views over neighbouring properties.
- There would be no new windows installed to either side elevation.
- The gap of around 11.5m between no.5 and no.7 would remain. As such the development would not have any significant detrimental effect on residential amenity at this property.
- The development would not extend the property any closer to no.3 next door and the proposed ridge would be around 464mm higher than the ridge at no.3. The site is due south of no.3, and the proposed dormer would increase the massing on the roof of the application property. However, as the dormer would not extend beyond the rear elevation of no.3 next door there would not be any seriously detrimental impact on residential amenity, including daylight, to the rear of no.3 Kennedy Drive next door.
- No.3 Patton Close abuts the rear of the site, but this property is slightly angled to the rear elevation of the application property. That property is a bungalow with a window to the rear elevation and a set of patio doors. At least one of these rooms is a bedroom. The applicant has indicated on the revised site plan received on 11/07/2023 that one of the new dormer windows would be 8.1m away from the boundary with this property and the second window would be 10m from the rear boundary. Although there would be an increase of overlooking from the site due to the new first floor level rooms SPD 6 states that there should be a minimum of 7m from a first floor habitable room to a boundary. As there would be over 7m from both bedroom windows in the dormer the proposal would be considered acceptable in this location.
- The proposed bathroom windows to the rear would be obscurely glazed and are also considered to be non-habitable. As such their distance to the rear boundary would be acceptable in terms of SPD 6.
- As the extensions would be to the first floor level only there would be no impact on existing parking arrangements within the site.

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 increase the number of bedrooms from 2 to 6 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive at the front for the parking for up to three vehicles and there is also a garage on site. The area has on street parking and there is public transport available. With the three existing spaces it is considered that the parking arrangements are sufficient in this instance.

Response to neighbour objections -

- One of the objections is that the resulting building would have 4 to 6 bedrooms and 3 bathrooms which would be substantial in an area where most properties are 2 bed/1 bath bungalows and it would be out of character in the area. Kennedy Drive and nearby roads do have many bungalows, but there are also many two storey properties in the immediate area, and also a pair of semi-detached dormer style bungalows just around the corner. As such the design of the proposal would be considered acceptable in this location.
- The increase in ridge height to the property and position of dormers to the front and rear of the dwelling has been addressed in the residential amenity section of the report above.
- The impact on the streetscene and the design of the rear dormer have been addressed

in the visual amenity section of the report above.

- One neighbour commented that the rear dormer and the raising of the ridge height would dominate views from their property. In terms of Planning nobody has a right to a view and as the aspect standard distances between the dormer and neighbouring properties would be satisfied there would be no reason to refuse the proposal.
- With regards to the comment as to whether the property would be used as an HMO there is no indication to say that the property be used for anything other than a family home. However, in terms of Planning a six bedroom property could be converted in to a HMO under Permitted Development Rules.
- One neighbour advised they would be approaching their local councillor to express their views. They are entitled to do so.
- The distance of the proposed dormer to the rear boundary has been addressed in the residential amenity section above. As the dormer would create a new first floor level to the property a distance of at least 7m to a boundary would be expected. As there would be over 8m from both bedroom windows in the dormer, to the rear boundary the dormer would be considered acceptable in terms of SPD 6.
- A distance of 10m would have been expected had the dormer been erected on a two storey dwelling.

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 01 B and 03 A received on 30/05/2023 and revised proposed drawing numbered 02 D received on 11/07/2023 as modified by the email from Mr Christopher McCormack dated 11/07/2023. The development shall not be carried out except in accordance with the details 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 12/07/2023			

