

**DELEGATED REPORT**

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| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 04/01/2022 | <b>Ref:</b> 67722/FUL          |
| <b>Registration:</b> 26/10/2021 | <b>LDFC:</b> 01/12/2021           | <b>Expiry Date:</b> 21/12/2021 |
| <b>Site Visit:</b> 15/12/2021   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 2            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Raise roof ridge height by 300mm with loft conversion and dormers at front/rear to existing bungalow to form first floor living accommodation and extension at side/rear

**Location:** 51 Woodhall Avenue, Whitefield, Manchester, M45 7QE

**Description**

The application relates to a detached bungalow on a residential road characterised by bungalows along one side and two storey properties on the opposite side. On either side are detached bungalows and to the rear are a mix of bungalows and dormer bungalows on Parkstone Avenue.

The original proposal included raising the eaves and ridge by 1200mm to accommodate additional roof space in addition to the side extension and dormers at the front and rear. This increased eaves/ridge height has been reduced to 300mm.

The side extension would project out towards the shared side boundary with 47 Parkstone Avenue and accommodate a garage and utility room. The roof would be raised by 300mm and a dormer would run the width of the rear roof plan. This rear dormer, together with two smaller pitched roof front dormers, would accommodate two bedrooms within the roof.

**Relevant Planning History**

02625/E -Proposed rear infill extension and loft conversion - Enquiry completed 05/08/2021

**Publicity**

Immediate neighbours notified by letter dated 11/11/2021. Two objections received from the occupiers of 198 and 200 Park Lane. Both objections state that the rear dormer and additional bedroom windows would increase overlooking and have a seriously detrimental impact on privacy and impact on Human Rights.

They also state that the design of the proposal does not respect the character of the existing property or streetscape. Extending the roof height would be inconsistent with the rest of the street scene and the submitted plans do not show how this would impact the character of the area. Raising the roof height means the property would tower beyond the existing roofline of the neighbouring houses.

**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. 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** - With the reduction in the proposed eaves and ridge height from 1.2m to a more modest 300mm, the revised scheme now appears more in keeping with the existing streetscape. The pitched roof dormers at the front are relatively modest and in scale with the existing bungalow and the flat roof rear dormer is not readily viewed from the public realm. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

**Residential amenity** - The concerns of neighbours to the rear with regard to overlooking and privacy are material but given the distance from the new dormer windows to the rear boundary is approximately 13m, well in excess of the 7m suggested by adopted guidance,

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and existing boundary planting, there are no serious privacy/overlooking issues that would warrant refusal of planning permission. With only a modest 300mm raise in height, there would not be no serious overshadowing of neighbours to the rear. The proposal is considered to be acceptable in terms of residential amenity and accords with Policy H2/3 and guidance.

**Objections** - The concerns raised by objectors have been addressed in the above report and by the revised plans.

### **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 the drawings 101, 102, 103, 104, 105, 106B, 107A and 108A 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 04/01/2022  | DM                      | 04/01/2022  |