

DELEGATED REPORT**Report by** Amanda**Date of report:** 08/12/2022**Ref:**68933/FUL

Uhunmwagho

Registration: 30/09/2022**LDfC:** 11/11/2022**Expiry Date:** 25/11/2022**Site Visit:** 03/11/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Conversion of existing garage into habitable space with new hipped roof**Location:** 56 Chiltern Road, Ramsbottom, Bury, BL0 9LF**Description**

The application property is a two storey semi-detached house with a flat roof garage attached at the side. The property is at the head of a cul-de-sac which consists of both bungalows and two storey properties. At the front there is a small garden area and a drive way for up to two vehicles. Access to the rear garden is via a path to the south side of the garage. There is a small patio area to the rear of the property with garden beyond and there are fences to all boundaries. There are no properties directly to the rear of the site.

The proposal is to convert the garage in to living accommodation providing a second lounge, bedroom and wet room. The garage door would be removed at the front and a new window installed. A new window would also be installed to the side elevation to the new bedroom. The roof would be hipped.

Relevant Planning History

17/0446 - Running business from residential property - 04/12/2017

Publicity

Neighbours notified on 20/10/2022 - No comments or objections received.

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.

The proposed garage conversion and new hipped roof would be constructed using materials and a design that would be considered in keeping with the existing structure. It would not cause any significantly detrimental harm in terms 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 -

- It is noted that was it not for the proposed hipped roof, the applicant could convert the garage without the need for prior planning approval.
- There are no residential properties directly to the rear of the site and as the property is

not being extended the rear elevation would remain the same distance from the rear boundary as it does now.

- Properties on the opposite side of Chiltern Road at the front would be a sufficient distance from the converted garage not to be caused any significantly detrimental effect in terms of residential amenity.
- 39 Brooksbottom Close to the south of the site has a slightly higher ground level to that on site. This property has a single storey extension close to the shared boundary which has two high level windows facing the site. As the land level is higher than on site any views from the new window would be over the applicant's own land only and there would be no significant detrimental effect on residential amenity at this neighbouring property.

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 at the property from 3 to 4 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 an area at the front for parking up to two vehicles and this would remain following the garage conversion. There are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

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 BM1022/CHIL/PL1, BM1022/CHIL/PL2, BM1022/CHIL/PL3 and BM1022/CHIL/PL4 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 08/12/2022		DM	12/12/2022