

DELEGATED REPORT

Report by Amanda

Date of report: 25/09/2024

Ref:70933/FUL

Uhunmwagho

Registration: 09/07/2024

LDfC: 09/08/2024

Expiry Date: 03/09/2024

Site Visit: 09/08/2024

Site Notice: N/A

Press Date: N/A

Objections: 4

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Raise roof of existing lower roof to be level with existing upper roof; Loft conversion with front dormer & 2 no. front velux windows; Elevational changes to window and door openings; Stone effect brick slip system and boards to all elevations

Location: 1A Royds Street, Tottington, Bury, BL8 3NH

Description

The application relates to a two storey property which has the appearance of bungalow from the highway in front and two storey at the rear. At the front there is a small garden area and driveway for two vehicles. There are low railings along the front boundary and a fence along the boundary with no.3 Royds Street to the south. To the north side there is a detached garage directly adjacent with the site boundary. This belongs to no.6 Garden Street.

Access to the rear garden is via steps to the north side of the property. The rear garden abuts the rear of no.8 Garden Street to the rear. There are fences to all boundaries as well as some conifers to the north side.

St Annes Church, vicarage and graveyard is opposite the front of the site. The vicarage and church are both Grade 2 listed buildings. Four properties to the rear on Garden Street are stone cottages and there is one red brick, detached house with pitched roof dormers to the front. There is a row of 5 stone cottages on Holcombe Road to the north of the site and also a detached red brick property. Properties to the south on Royds Street are two storey terraced properties in short rows of four houses. These properties are finished with brick and some have cladding.

The proposal is to raise the roof of existing lower roof so it would be level with existing upper level roof, convert the loft which includes a front dormer & 2 no. front velux windows. There would be elevational changes to window and door openings, stone effect brick slip system and boards to all elevations. The footprint of the building would not be increased.

Relevant Planning History

N/A

Publicity

6 neighbours notified on 19/07/2024 - Four objections were received. A summary of the objections is listed below;

- Incompatibility with Local Area: The proposed dark exterior is inconsistent with the neighbourhood's character, including the overlooking listed buildings.
- Tottington village is already overdeveloped with modern housing. This building already conflicts with the local Victorian stone properties on either side which constitute the bulk of Royds Street and Garden Street. It makes no attempt to blend into the visual or

historical aesthetic.

- St Anne's Vicarage is currently empty pending a new incumbent. The building however is a key historical Georgian grade 2 listed building 1802 and sits in the Church curtilage with the Church 1799 and Church Hall 1835 both also Georgian which carry grade 2 listing.
- The proposed work to 1A Royds Street which is opposite the vicarage is totally out of caricature with this group of stone buildings. The materials proposed are in no way in keeping with the vicarage. It is also out of line with the surrounding properties on Royd Street and Garden Street which are predominately stone terraces or brick.
- I understand not every property should be of a similar design or material content. Modern features can blend and suit certain areas. But this design is completely out of line in this rural location. The three large stone building set spaciouly apart in the large graveyard at St Anne's add a peace and tranquility to the area which I feel would be spoilt by this proposed out of keeping extension.
- Reduction of Natural Light: The proposed elevation will be substantially greater than the 25 degree guidelines, severely diminishing natural light in our home, particularly in the dining room, & children's bedroom. As a professional photographer working from home, this will significantly impair my ability to work effectively and affect my well-being.
- Impact on Garden Space: The increased roof height will overshadow our garden, creating a claustrophobic environment, reducing light, and making the space feel confined & overlooked. This space is vital for our young children.
- Incompatibility with Local Area: The proposed dark exterior is inconsistent with the neighbourhood's character, including the overlooking listed buildings. The current, mostly white house helps reflect light, mitigating it's close proximity to our home.
- Overlooking/loss of privacy: The change of position of the window in the NW side elevation would look directly into our small garden, particularly the area we use the most to sit and enjoy the sun. It would also have a view into our kitchen.
- Loss of light/overshadowing: Raising the roof of the property which is very close to ours-approx 1m, less with the roof overhang-will reduce the amount of light and cause further shadow in our garden The property already looms over ours and raising the roof would exacerbate that. My garden is very important to me, it is my sanctuary and place to reset and maintain my mental health.

Following a site visit and discussions with the agent and applicant revised drawings were submitted on 11/09/2024. The neighbours were notified of the revised drawings on 11/09/2024 - No comments or objections have been received regarding the revised drawings.

Statutory/Non-Statutory Consultations

Electricity North West Ltd - No comments received.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PFE Policies 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.

Impact on setting of listed buildings -

The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is opposite St Annes church and vicarage which are both Grade 2 listed buildings. These buildings are over 30m away from the site and they are separated by the graveyard and the road in front. The proposed changes to the property would be to the elevations and roof only. The property would not be extended forward and there are a number of different styles of residential properties, with different finished materials in the immediate vicinity. It is

considered that the application dwelling is an acceptable distance from the listed buildings, and it is taken into account that the applicant could undertake some external alterations as permitted development. As such the development would not have a detrimental effect on the listed buildings and preserve its setting.

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.

There are a number of different property types in the immediate vicinity including traditional stone cottages, red brick terraces and 2 red brick detached houses which have a very different style compared to the surrounding properties.

The existing building is a mixture of brick and render. The proposal would see the building finished with a stone effect brick slip system to the lower part of the property where it is currently brick and the upper half would be clad with vertical anthracite grey boards. This would be different to the surrounding properties, but the current finish to the walls are also different to neighbouring buildings. It is considered that the finished materials to the property would be considered acceptable in this location.

With regards to the roof extension the new ridge would be lower than the highest point on the existing property and it would be finished with materials to match the existing roof. The front dormer would have a mono-pitched roof and it would be clad with vertical anthracite grey boards to match the walls. Although there are no other examples of front dormers along Royds Avenue the application property is a different style to other houses along the road. The dormer would be considered to be in keeping with the design of the building and as such 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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- To the front of the site are the grounds of St Annes Church. The vicarage on that site would be just over 30m away from the application property.
- Directly to the north side of the site is the rear garden of no.6 Garden Street and a detached garage belonging to that property. There would be one utility room window in the side elevation close to the boundary to no.6 Garden Street. A condition would be added to the decision stating that this window should be obscurely glazed to retain privacy levels in the rear garden of this particular neighbour.
- There would be no changes to windows (or room types) to the rear elevation.
- The application property is around 4.5m from the rear boundary, to the north of the site. This would not change.
- The ridge height to the north side of the dwelling would be increased by 1m and the eaves by around 600mm. The property is due west, and slightly south of no.8 Garden Street to the rear. As such any development could have a detrimental impact on light availability to the house and garden. Even though the roof height would be increased by 1m and the eaves by around 600mm the building would not be extended closer to the boundary with no.8 Garden Street and the pitch would slop up away from the rear. As such it is considered that the proposed ridge height increase would not have any significant detrimental impact on light to the rear of properties on Garden Street.
- On the south side elevation the dining room window would remain where it is and the external door to the kitchen would be replaced with a window. As the kitchen would be considered to be a non-habitable room the position of this window facing the side boundary would be acceptable in terms of SPD 6.
- The proposed changes would not affect the existing parking arrangements to the front

of 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 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 two vehicles and this would remain following the side extension which would be set back from the front of the property. The area is high access in terms of public transport and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

- The proposed finished materials to the property have been addressed in the visual amenity section of the report.
- Given there are a number of different styles and age of properties in the immediate vicinity the proposed changes to the dwelling would be considered acceptable in the area. This has been addressed in the visual amenity section of the report.
- The impact of the development on the Grade 2 listed buildings has been addressed in the report above.
- Impact on light to properties at the rear has been addressed in the residential amenity section of the report.
- Any impact on the ability to work from home would not be a Planning concern. It would be considered a civil matter and if the neighbour has concerns regarding this they would need to discuss it privately with the applicant.
- Impact on loss of privacy has been addressed in the residential amenity section above and by way of a condition to the decision stating a new utility room window to the side elevation should be obscurely glazed to retain privacy levels between the application property and the adjacent garden.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy Nos EN1/2 - Townscape and Built Design, H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties, and Places for Everyone Joint Development Plan listed.

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 drawings numbered 773-01, 773-02, 773-3, 773-04, 773-05, 773-06, 773-07, 773-08D and 773-09D received on 10/07/2024 and drawings numbered 773-10J, 773-11A and 773-12G received on 11/09/2024 as modified by the email from Conway Architectural Design dated 11/09/2024. 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 in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall be stone effect brick slip system with vertical anthracite grey boards to the walls, terracotta roof tiles to match the existing roof tiles and black upvc windows, doors, soffits, fascia and rainwater goods.
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 utility room window to the north 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 25/09/2024		DM - 25/09/2024	