

DELEGATED REPORT

Report by Mo Warsame	Date of report: 22/01/2025	Ref: 71348/FUL
Registration: 26/11/2024	LDfC: 17/12/2024	Expiry Date: 21/01/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: MIOT

Proposal: Rear dormer; New opening to side

Location: 83 Rochdale Old Road, Bury, BL9 7LP

Description

The application site is end terraced property and a convenience store at ground floor and residential above. The side gable wall abuts the footpath to a side street, Bower Street, which leads round to a back access street. The gable wall has a non illuminated 48 sheet advertising hoarding across the first floor, a small window and two air conditioning units below the hoarding. The ground floor side has several advertising panels, only one in current use. Across Bower Street to the side is a motorway bridge to the M66. Directly opposite are terraced properties.

Planning permission is sought for the erection of a rear dormer along with a new side window opening to the existing property. The dormer would have flat roof and would be constructed with materials matching the existing dwelling. The development would accommodate a bedroom and a store room.

Relevant Planning History

50045 - CHANGE OF USE FROM RETAIL (CLASS A1) AND RESIDENTIAL (CLASS C3) ON GROUND FLOOR WITH RESIDENTIAL (CLASS C3) ABOVE TO RETAIL (CLASS A1) ON GROUND FLOOR AND RESIDENTIAL (CLASS C3) ABOVE WITH SEPARATE ACCESS DOOR AT SIDE - Approve with Conditions 24/06/2008
66454 - 1 no. digital advertisement display unit - Approve with Conditions 26/03/2021
23/0406 - Unauthorised signage - 23/10/2023.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed dormer at the rear would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The design would not over dominate the character of the original dwelling and would be similar to number of dormers within this area. The development would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene

and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6

It is considered that the proposal would not be intrusive feature within the street scene or to the visual amenity of the area and would therefore not be detrimental to the character of the street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy, there would be no proposed windows on the sides of the proposed rear dormer but there would be a new window opening on the side of the existing property. However, this window would not be from a habitable room and there would be a no property opposite this window and as such there would not be any adverse impact. Additionally, there would be a sufficient distance to the rear boundary and no properties beyond.

Overall, the proposed development would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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: RAD/3148/24/1 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 Unitary Development Plan and Places for Everyone Joint 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 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>
MW	22/01/2025	DM	27/01/25