

DELEGATED REPORT

Report by Jane Langan	Date of report: 23/12/2021	Ref: 67729/FUL
Registration: 28/10/2021	LDFC: 01/12/2021	Expiry Date: 23/12/2021
Site Visit: 27/09/2021	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Raising of roof height; Rear dormer extension

Location: 60 Gate Lane, Radcliffe, M26 2AF

Description

The property is a modern two storey detached house located on a residential estate. It has a garden and drive to the front and the house has a single storey section to part of the front elevation. To the rear is a fenced garden and beyond the rear boundary a commercial building. The adjacent neighbouring properties are 58 & 62 Gate Lane.

The application proposes to raise the roof by 0.5m and add a flat roofed dormer to the rear. It would form two additional bedrooms.

Relevant Planning History

None..

Publicity

Surrounding neighbours were notified by letter and one response has been received from 62 Gate Lane their concerns are:-

- Blocking direct light/sunlight/natural light to my property
- Lack of privacy as overlooking my property
- Noise disruption/disturbance due to building work
- Invasion of space/view at rear of property

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The roof would not be raised by any significant amount at 0.5m. The increase would see it to a height the same as the adjacent neighbouring properties.

The dormer would not be readily visible from the main street view. Materials for the proposal would be brick work to match to the built up side gable walls and roof tiles to match. The dormer would be flat roofed with the walls tile hung.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 5 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. An accompanying statement with the application notes that the additional bedrooms are required for foster children the applicant cares for. The site as existing has a drive to the front 5.2m in length that would be retained. There may be potential for further space should the applicant require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The rear dormer would see habitable room windows at a higher level however the direct view would be down the applicants garden where there would be 8.7m

to the boundary. SPD6 can require the separation to be 10m in order to allow adequate privacy distance to a rear boundary however in this case beyond the rear boundary is a commercial building.

An additional landing window would be added to the north side elevation. Positioned above the existing landing and facing on to the gable wall to No. 58 it would not cause any privacy issues.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

Response to objection - As a roof extension the proposal would not cause any significant loss of light or overshadowing to No.62.

Whilst the proposed dormer would provide views at a higher level the site as existing has bedroom windows to the first floor rear elevation allowing views to neighbouring gardens. It is not considered that the proposal would reduce privacy further to a significant level that would give grounds for refusal.

Disturbance during construction is not a planning matter. Any noise complaints would be dealt with via Environmental Legislation where appropriate.

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 1,2,3,4,5,6,7,8 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	23/12/21	DM	04/01/2022