

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 14/12/2021

Ref:67702/FUL

Registration: 25/10/2021

LDFC: 26/11/2021

Expiry Date: 20/12/2021

Site Visit: 09/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Hip to gable roof extension and installation of rear dormer

Location: 24 Woodroyd Drive, Bury, BL9 7NH

Description

The application relates to a two-storey mid-terrace house on a residential street of similar properties. There are no existing extensions on either side, although there is an existing outbuilding which appears to have been built as part of the original property. There are no trees or shrubs.

Planning permission is sought for alterations to the roof that would involve extending the hipped roof to gable in order to accommodate a rear dormer resulting in additional internal space for two extra bedrooms therefore increasing the bedrooms from three to a five-bed property. The dormer extension would reach the full pitch height of the main roof although this would be approximately 30cm higher than the neighbours roof.

The applicant has stated that materials will match existing including UPVC windows and roof tiles. There would be a separation of 10.6m from the dormer to the rear boundary, beyond which there is housing.

It should be noted that in July 2021 a separate application (67096) was approved at the same property: prior approval for a single storey extension at the rear, although this is not shown on the plans submitted.

Relevant Planning History

67096 – Prior approval for proposed single storey extension at rear – Approved.

Publicity

Immediate neighbours notified by letter dated 04/11/2021 sent to 8 (eight) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
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 - In terms of design and appearance the hip to gable extension matches the height of the existing roof pitch and is therefore not seriously excessive above and beyond the existing situation. However, with regards to the proposed dormer extension this is generally out of keeping with the existing house, streetscene, and neighbourhood by virtue of the fact there are no rear dormers on this block, street, or neighbourhood, and is therefore detrimental to the streetscene. Despite this, and given its proposed location at the rear, the dormer extension would not be readily visible from the public arena.

It is considered that the proposed dormer is generally unsatisfactory with regard to its design, height reaching the main pitch approximately 30cm above higher than the neighbours pitch, insufficiently set in from the main wall, and being a flat roof, although this would still be allowable under current permitted development rules. On balance considering the permitted development fallback it is not considered ideal but nevertheless it would still meet rules on permitted development.

In this respect the extension complies with UDP Policy H2/3.

Residential amenity - In terms of overlooking and privacy to the rear, the 10.6m separation distance from the dormer to the rear boundary is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to both of the attached neighbours as it complies with the '45-degree rule' within SPD6.

In terms of the general prominence and impact on daylight the dormer extension is set off the party walls by 0.5m. The extension would have an impact on part of the rear garden in the morning, but any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways – There are no proposed changes to existing site access and although there is no parking on site, this is a suburban residential cul-de-sac with no on-street parking restrictions and during a site visit it was observed that there appeared to be adequate on street parking.

Conclusion – In consideration of the above, it is considered that although the proposed development would be generally unsatisfactory in terms of the design, and sitting, of this development, the dormer section still meets rules on permitted development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3.

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 SHT 2 of 2 REV:A as submitted on 23/11/2021 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.
- 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>
Steven Gunn-Russell	14/12/2021	DM	15/12/2021