

Description

The application relates to a two storey red brick house on a residential road of similar styled properties. There is parking for one vehicle on the frontage.

At the front the scheme has been amended to omit one of the previously proposed pitched roof dormers in lieu of two small rooflights. The revised plan indicates the remaining proposed dormer that has been reduced in size, on the left side of the roofplane. At the rear the flat roof dormer would run across the rear roofplane, set in slightly on each side and back from the eaves. The dormer would be finished in grey tiles to match the existing roof.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 08/06/2023. Objection received from neighbour, a care home, at the rear.

The additional windows in the dormer would invade privacy of the care home whose residents have mental health issues.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A**Unitary Development Plan and Policies**

<SQLDCPolicyComRep>

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 - The revised scheme, omitting one of the two dormers at the front is considered to be more in keeping with the house and would not appear out of keeping with the streetscape. The proposed rear dormer would not be prominent when viewed from the public arena. The proposed finishing materials to match the existing are acceptable. It is noted that a recent approval for two small dormers on the front of No.24 Richmond Avenue was granted in May 2023. The proposal is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - With a rear garden 15m long, the gap from the new rear dormer to the rear boundary is well in excess of the acceptable distance set out in local guidance and maintains a reasonable degree of privacy. The proposal is acceptable in terms of residential amenity and complies with UDP Policy H2/3 and guidance in SPD6.

Objection - The objection relating to privacy is not sustainable given the distance from new windows to the rear boundary.