

DELEGATED REPORT

Report by Amanda

Date of report: 28/07/2022

Ref:68396/FUL

Uhunmwagho

Registration: 18/05/2022

LDfC: 08/06/2022

Expiry Date: 13/07/2022

Site Visit: 24/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Hip to gable loft conversion with front/rear dormers and side window; Single storey side extension

Location: 54 Sunny Bower Street, Tottington, Bury, BL8 3HL

Description

The application relates to a two storey semi-detached house situated on a large plot of land set back from Sunny Bower Street in front. There is a long drive way to the front (shared with no.54 next door) and the properties are set up on a higher ground level compared to Sunny Bower Street to the east. There is an existing flat roof single storey side/rear extension as well as a detached garage and car port to the side of the property. The rear garden is raised to the main dwelling.

The proposal is to convert the existing hipped roof to a pitched roof and also add dormers to the front and rear of the building, along with a new side window. There would also be a single storey side extension towards the rear of the existing single storey side extension and the existing conservatory to the front would be replaced with an extension. The existing flat roof would be replaced with a pitched roof.

The single storey side extension towards the rear of the property would extend an existing ground floor bedroom. It would project 1.35m from the existing extension and would measure 4.25m long. Bi-folding patio doors would be installed to the side elevation.

To the front of the property the existing conservatory would be removed and a single storey extension built in its place. The extension would measure 3m x 3.5m and the roof would be pitched.

Once the hipped roof has been converted to a pitched roof the another room and bathroom would be created at second floor level. There would be one small pitched roof dormer and two rooflights to the front of the property and a flat roof dormer to the rear. The walls would be finished with red brick and white render to match the existing property.

Relevant Planning History

01467/E - Proposed new two storey dwelling house - Enquiry completed 18/02/2014

Publicity

Neighbours notified on 18/05/2022 - One objection received. They have given the following reasons of objection,

1) No access agreement has been sought by Mr Andrews to support the building works detailed. The access to property 54 Sunny Bower Street is via a privately owned driveway and across the private land of the property 52 Sunny Bower Street. Access across this land is only permitted legally via the property deeds across an 8 foot wide passageway and

solely for tenantly purposes.

2) The privately owned driveway will only support access for small vehicles and vans and does not have the capacity to take the width and load of heavy vehicles such as skip wagons / Heavy Goods Vehicles which will be required for the building plans detailed. The attempt to use heavy trucks and lorries to bring building materials and take away building waste will likely result in damage to the land, driveway and property privately owned by ourselves the owners of 52 Sunny Bower Street.

3) The building plans detail increasing the size of the existing driveway parking to 9 meters as represented on the proposed drawings to support parking for three vehicles. To make such a change the land height will need to be altered and reduced. The plans do not detail how drainage will be supported by the land change ensuring water capture from the new parking area.

4) The front facing and significant side roof dormers proposed will significantly alter the roof shape and impact the aesthetic look of the two distinctive semi detached properties on Sunny Bower Street. When planning was granted for the extension of number 52 in 2012 it was under advisement by Bury Planning to keep the roofline the same as property 54. The proposed building plans to number 54 breaks that guidance received from Bury Planning as the aesthetic look and character of property 54 will no longer match property 52.

5) The rear dormer proposed has two rear windows which will impact on the privacy of property 52.

6) Replacement and change of roof style from flat to pitched on the existing single storey rear extension will impact the light to property 52.

We are sympathetic to our neighbours wanting to improve their property however have not been advised or consulted regarding these building plans. Since the planning notice was received, we have not had the opportunity to discuss these works with our neighbour as they have taken a holiday and not been available for discussion.

Our most serious concerns are points 1 and 2 which could be remedied by our neighbours installing a new and independent driveway from Sunny Bower Street to service their property.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary 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) 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

Although the change from a hipped to a pitched roof would change the appearance of the building and it would look different to the attached property, which has a hipped roof the applicant could convert the existing hipped roof to a pitched roof under Permitted Development rules without the need for prior Planning approval. As such there would be no reason to refuse the proposal based on the roof conversion.

The application dwelling and the attached property (52 Sunny Bower Street) are set well back from the road in front within large grounds which have lots of mature trees and planting surrounding the site. As such the properties only become fully visible once on site. As such the proposed development would not result in the property being intrusive in this particular location.

The side elevation of 56 Sunny Bower Street can be seen from the site. This is a completely different style of property to that on site and beyond the site nearby properties all have different styles. The proposed design and materials used for the extensions, new roof to the single storey extension and dormers would all be considered in keeping with the existing property and therefore acceptable in terms of SPD 6.

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.

Residential Amenity -

- Properties to the front and rear of the site would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity.
- The single storey extensions would be a sufficient distance from the shared boundary with 56 Sunny Bower Street, to the south not to have any significant detrimental effect on residential amenity at this property. Any views from the new windows on this side would be over the applicant's own land only.
- There would be a small stairwell window installed to the side elevation at second floor level. This would be classed as non-habitable and would be around 12m from the shared boundary with no.56 next door. As such it would not have any significant detrimental effect on residential amenity at this property.
- The proposed development would not interfere with existing parking arrangements within the site.
- Direct views from the rear dormer would be over the applicant's own garden areas and not directly over the adjacent gardens.
- The dormer to the front would be a bathroom. As such the window would be obscurely glazed to ensure privacy levels are retained.
- There would be no new windows in the existing rear extension directly facing no.52 attached so there would be no concerns regards loss of privacy in respect of this property or its garden.
- The flat roof on the existing single storey extension would be replaced with a pitched roof. The site is due south of no.54 next door (attached) and so the impact on light at the rear of this property needs to be considered. Given that the extension is positioned 3.22m away from the shared boundary with no.52 (according to the proposed site plan), the structure remain as single storey and the pitched roof would be angled away from the boundary with no.52 any impact on light would be minimal and would not warrant refusal of the proposal.

With the above in mind 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 residential amenity.

Parking -

There would be no changes made to the existing parking arrangements within the site. The revised site plan received on 29/06/2022 shows that three vehicles could be parked on the existing drive way and there is also a detached garage to the south of the main property. With this in mind the proposed parking arrangements would be considered acceptable in this instance.

Response to neighbour objection -

Any concerns regards access to and from the site would be a civil matter which would need to be discussed between the relevant parties. This would not have any bearing on the decision.

Similarly to the above the applicant would need to discuss what vehicles may be permitted access to the site or not. This is not something that the Development Management team would have any control over.

Parking was never included as part of the proposal but the applicant did show a new parking area on the initial plans submitted. Given the topography of the site further information regards land levels, drainage etc was requested. The agent subsequently confirmed that the applicant no longer wishes to make any changes to the existing parking on the site and revised plans were submitted on 29/06/2022 showing the removal of the new parking area.

The impact of the front and rear dormers has been addressed in the residential amenity section of the report above.

The neighbour has referred to previous planning approval at no.52 Sunny Bower Street which was granted in 2012. They state that advice at the time was that the roof style should remain the same as that at no.54 in terms of its impact on visual amenity. That application was approved 10 years ago where the proposal is likely to have been subject to different policies and/or adopted guidelines that are used to assess current planning applications. It is also noted that what can be achieved as Permitted Development has also changed in the last 10 years. Every site is assessed on its own merits in accordance with the relevant policy and adopted guidelines at the time of the application.

The impact of the change from a flat roof to a pitched roof to the existing single storey rear/side extension has been addressed in the report above. The existing extension is around 3.5m from the shared boundary with no.52 which would be a sufficient distance from the boundary not to have any significant detrimental impact on residential amenity at this property.

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 drawing numbered 1056/SBS/LP received on 18/05/2022 and drawings numbered 1056/SBS/PL1 Revision C and 1056/SBS.PL2 Revision B received on 29/06/2022 as modified by the email from BDP Architecture dated 29/06/2022. 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.
- 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 28/07/2022			