

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/05/2022	Ref: 68107/FUL
Registration: 18/02/2022	LDFC: 22/03/2022	Expiry Date: 15/04/2022
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: DEL
		Stat Class: COUS

Proposal: Roof extension/raise roof ridge height to form second floor with 3 no. rear dormers, two storey extensions at front/rear, single storey side extension to attached side room, render to external elevations and change of use of ground floor from childrens nursery (Class E) to form 1 no. residential dwelling (Class C3).

Location: Suleman House, 6 Arley Avenue, Bury, BL9 5HD

Description

The site relates to a detached property which is located within a predominantly residential area generally comprising detached and semi detached properties.

The property currently operates as a nursery at ground floor and there is 2 bed residential accommodation at the first floor. To the western side of the property there is a single storey annex which is linked to the main building and which also serves as part of the nursery use.

In front of the outbuilding is the access which serves the property and a driveway for 3 cars to park. The remainder of the frontage is bounded by a low brick wall.

At the rear there is a garden and hardstanding area used as the nursery playground and amenity space, beyond the rear boundary is Burrswood House, a residential and nursing home. There is an access and passageway down the eastern side of the building.

Planning permission was granted in 2021 for the change the use of the ground floor from nursery back to residential accommodation to form 1 no. 6 bed single dwelling with extensions. The extensions comprised -

- raising the roof by 1.4m and a roof extension to change from a hip to gable
- 2 storey extension at the side - 2.4m wide
- 2 storey front extension to create a full height porch entrance - 3.1m wide x 1.2m deep
- 2 storey rear extension - project 3m from the rear wall and extend the full length of the rear elevation.

This application is a resubmission for the same development but now proposes to add 3 no. rear dormers and a single storey extension to the annex.

The dormers would be 3 separate pitched roof types and the s/s extension would project 3m in depth with a pitched roof to match the existing.

Relevant Planning History

50523 - Change of use of 4 Arley avenue from residential (class c3) to school (class d1) at ground floor (in conjunction with existing school at 6 Arley avenue with a maximum number of pupils rising from 28 to 38) and residential (class c3) at first floor to provide a self contained flat - Approve with Conditions 21/01/2009

67287 - Roof extension/raise roof ridge height to form second floor, two storey extensions at front/rear, render to external elevations and change of use of ground floor from childrens

nursery (Class E) to form 1 no. residential dwelling (Class C3) - Approve with Conditions
04/11/2021

Publicity

Letters sent on 28/2/22 to 12 adjacent properties.
No responses received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

Principle - Prior to the use of the ground floor as a nursery, the property was formally a single residential dwelling and the first floor has continued to be used as a residential unit.

The proposal to turn the property back into full residential use within this residential setting is therefore considered to be acceptable in principle.

Subject to details relating to the scale of development and associated parking and garden provisions, the proposed development to form a single dwelling is considered to be acceptable and comply with Policy H1/2.

The proposed change of use was accepted in principle by the grant of permission ref 67287.

Layout - The layout of the site would essentially remain the same as the existing. The driveway in front of the annex can provide 3 parking spaces and these spaces and the access would be retained for the residential use, as would the gated pedestrian access to the east.

At the rear, a garden depth of approx 7.5m would be retained and area provided for the storage of bins.

It is therefore considered that the proposed layout would be acceptable and comply with H2/1 and H2/2.

Visual amenity and design - The application proposes extensions to the front, side and rear and 3 rear dormers.

At the western side, a 2.4m wide, 2 storey extension is proposed which would reduce the gap to the annex building. A new connecting link would also be provided between the 2 builds. There is sufficient space to add a side extension without causing the property to appear unbalanced and fenestration and window positions would be in keeping with the existing property.

At the front it is proposed to add a double height porch extension which would project 1.2m from the front elevation and be 3.1m wide. It is considered this would be in-keeping with the existing building and the proposed alterations and extensions.

At the rear, it is proposed to add a 2 storey extension would project 3m and extend across the full rear elevation. There is sufficient garden space at the rear to facilitate the extension and a garden depth of 7.5m would be retained.

The proposed single storey extension to the annex would project 3m to along with the proposed rear elevation. Design and materials would match and as such considered acceptable.

In terms of the increase in height to the roof and change from hip to gable, the proposed roof would be higher than the 2 adjacent houses. However, the property sits within a

relatively generous plot and there is a sizeable gap to each side which separates the property from the 2 neighbours and as such it is considered that the roof extension would not have a detrimental impact on the character or visual amenity of the street scene.

The proposed dormers would be set into the existing roof plane and would not project over the proposed 2 storey rear extension. The dormers would be evenly spaced within the roof and small pitched roof types, lower than the ridge and above eaves level and therefore considered proportionate and acceptable to the scale of development.

It is proposed to render the external elevations of the property. The ground floor of the property is already rendered and whilst the majority of the dwellings on the street are red brick builds, some have part rendered frontages. It is therefore considered that rendering the remainder of the property would be acceptable and not cause visual harm to the streetscene.

It is therefore considered that the proposed development would be acceptable and comply with H2/1, H2/2, H2/3 and SPD6.

Residential amenity - The proposal to revert the property to a single residential dwelling, whilst for 6 bedrooms, would more than likely introduce a less intensive use to the site comparative to the nursery use, with fewer trips and vehicle movements and less noise and disturbances created from use of the outside areas.

In terms of the extensions, the neighbour to the east, No 4 has habitable room windows on the rear elevation. The proposed extension would not encroach the 45 degree line when drawn from the mid point of the window at No 4. There is also a separation distance of 5.3m between the side elevations of the 2 dwellings.

To the west, there would be a separation of approx 13m between the side elevations of the 2 properties and as such a sufficient level of separation. The proposed single storey rear extension would project 3m in depth and set 2m from the boundary and as such comply with policy guidance.

At the rear, the 2 storey extension would project 3m from the rear wall. A garden distance of 7.5m would be retained to the rear boundary and as such this would comply with policy guidance.

The proposed dormers would add an additional storey in height which according to SPD6 would require an additional 3m separation to the rear boundary so as to protect the amenity of any directly fencing residential properties.

In this case, the property beyond the boundary is a residential/nursing home. However there would be no direct interface between habitable room windows as the rear elevation of No 6 would face the access route and car park of the care home, with intervening planting and boundary treatment. Given the dormers would also be set back behind the extension, it is considered there would not be a detrimental impact on privacy to this site.

As such, it is considered the proposed development would comply with Policies H2/1, H2/2, H2/3 and SPD6.

Parking - SPD11 advises that for dwellings of 4 or more bedrooms, 3 parking spaces should be provided.

The development would provide 3 spaces within the driveway and as such comply with policy.

Coal - The site is located in a High Risk Coal Referral Area.

Householder development and solely changes of use applications do not require the submission of a coal report or consultation with the Coal Authority.

Whilst this application seeks a change of use with extensions, the proposed works would

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be of the same type, character and scale as domestic/householder development and given the location of the site within a predominantly residential setting, it is considered that a coal report would not be relevant in this particular case for this development.

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 - Red edge location plan received 18/2/22; Proposed elevations Sheet 3; Proposed plans Sheet 4; Proposed streetscene received 18/2/22; Proposed loft plan Sheet 5; Proposed section Sheet 6 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 roof finishing materials for the proposal hereby approved shall match those of the existing building. External elevations to be red brick to match the existing or rendered.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/5/22		