

DELEGATED REPORT

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Report by Mo Warsame	Date of report: 06/11/2023	Ref: 69807/FUL
Registration: 05/09/2023	LDfC: 28/09/2023	Expiry Date: 31/10/2023
Site Visit: 13/10/2023	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with dormer extension at rear; Two storey extension at side and external alterations

Location: 1 Pennine Close, Bury, BL8 1RB

Description

The application relates to a semi-detached bungalow located on 1 Pennine Close. The premises has parking to the front/side that leads down the side of the premises to an area of private amenity space. The adjacent properties on either side are No. 158 Cotswold Crescent (attached) and No. 156 Cotswold Crescent which is separated by a highway. No. 3 Pennine Close is the property directly to the rear of the site.

Planning permission is sought for a loft conversion with dormer extension at rear and a two-storey extension at side along with external alterations. The two-storey side extension would be setback from the front and rear extensions and extend approximately 1.35m to the side and run circa 4m. This development would also have a sufficient setback from the side boundary. The proposed dormer to the rear would be constructed entirely on the footprint of the existing roof and would be setback from the roof's ridge and eaves.

The proposed dormer would have a flat roof, while the proposed two-storey side extension would have pitched roof. The proposal would be constructed with some matching materials, and it would accommodate a bedroom extension on the ground floor along with two additional bedrooms, office and a bathroom on the first floor via the loft conversion dormer extension.

Relevant Planning History

10/0130 - UNTIDY LAND - 06/04/2010
10/0317 - Untidy Garden - 09/07/2010
11/0287 - Untidy property - 08/07/2011

Publicity

Neighbour letters sent. Two objections received.

Objection

One of the objecting party believes the proposed dormer extension would have an impact on their daylight/sunlight and cause some privacy implications. The other comment concerns the impact the proposed side extension would have on their property.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/1	Visual Amenity

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of

neighbouring properties, and protects the general street scene.

SPD 6 seeks to retain a minimum gap of 2 metres between the side elevation of a two-storey side extension, and the back edge of the highway. A gap of more than 7 metres been provided and confirmed via dimensions on the proposed site plan and as such the proposal is considered to comply with SPD 6 in this respect. Moreover, the proposed side extension would be setback 5.8m from the principal front elevation.

Situated to the side, the two-storey side extension would be visible from the street scene. However, the extension would be a rectangular extension yet simple and unobtrusive design, which would not detract from the character of the dwelling. It would not project beyond the principal front and rear elevations and would have a pitched roof replicating the shape and style of the original and neighbouring dwellings. To the rear, the proposed dormer would be modest extension and could be built under Permitted Development rules.

Given the above the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, 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

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Properties to the front would be over 20 metres away.
- The proposed two-storey side extension would not project beyond the principal front and rear elevations and therefore there would be no detrimental impact on the adjacent neighbours. In terms of overlooking and privacy there would be one new habitable side windows proposed. However, there would be more than 7 metres to the site boundary and beyond No. 156 Cotswold Crescent is separated from this property by a highway.
- The proposed dormer extension would be built entirely on the existing footprint of the property. The proposed dormer would not have windows to the sides and the proposed bedroom on the first floor would be over 7m from the shared rear boundary with No. 3 Pennine Close. However, the window from the proposed office would be less than 7m to the shared rear boundary and as such would be conditioned to be obscure glazed up to 1.7m. The other window on the rear dormer would be from a non-habitable room (bathroom). Therefore, the proposed rear dormer extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal would not affect the existing parking arrangements above and beyond the recent the existing situation.

Response to objections

One of the objecting party believes the dormer extension would have an impact on their daylight/sunlight and cause some privacy implications. However, the proposed dormer windows seek to line up vertically with existing windows and match their style and proportions. Furthermore, the rear dormer could be built under PD and would not result in undue overlooking of a neighbouring property as the proposal would not increase the height

of bungalow by extending the roof.

The other comment concerns the potential adverse impact that the proposed side extension would have on their development. However, as highlighted on the this report (above) the proposed side element would have no detrimental impact on the adjacent neighbours.

Therefore, there would be no detrimental impact on any of the concerning parties; in terms of the general prominence, outlook/privacy and impact on daylight/sunlight.

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 01a 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 Before the first occupation of the development hereby permitted, the rear facing office window on the first floor shall be fitted with obscured glazing up to 1.7m high and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
MW 6/11/23		DM 6/11/23	