

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 12/04/2022

**Ref:**68042/FUL

**Registration:** 02/02/2022

**LDfC:** 04/03/2022

**Expiry Date:** 30/03/2022

**Site Visit:** 17/02/2022

**Site Notice:** N/A

**Press Date:** 17/02/2022

**Objections:** 2

**Con Area:** BROO

**Adv Type:** CAAF

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Loft conversion with side dormers

**Location:** 12 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT

**Description**

The application relates to a two-storey detached house on a residential street within the Greenbelt and bounding Brooksbottoms conservation area to the south. This is one of a group of similar highway fronted South facing bungalows built on this section of Cliff Avenue built with front/rear gable ends, and some of which already have side dormer windows. The existing property is positioned centrally within the plot which has large front and rear gardens but is tightly constrained by the side boundaries.

The unattached neighbour at Nr.10 (slightly uphill) has a single storey conservatory extension at the rear and existing side dormer windows facing the site. The neighbours on the other side at No.2-3 Hill Street (also known as Crag House, and at a lower elevation) are positioned such that their main frontage is west facing (downhill) with the rear east elevation being overlooked by the application site. The boundaries have a moderate amount of shrubbery.

Planning permission is sought for a loft conversion with two side dormers which would occupy most of the roof space and have hipped roofs carried over from the existing roof. Materials would include roof tiles to match main roof, and horizontal cladding. On the east side (downhill) there would be two bedroom windows, and on the east side (slightly uphill) there would be one bedroom window. There would be a separation of 3.8m to the west boundary with shrubbery at a lower level, and 1.5m to the east boundary with no natural screening.

Additionally, the main first floor window on the front elevation would be altered to create two smaller windows (for two separate bedrooms), which overlooks a fairly large front garden.

Note – currently there is a permitted development extension under construction at the rear alongside the existing kitchen outrigger.

**Relevant Planning History**

68207 - Detached garage to front of property – Currently under consideration.

**Publicity**

Immediate neighbours notified by letter dated 11/02/2021 sent to 7 (seven) neighbours. 2 (two) representations were received.

**Objections -**

Concerns are summarised below:

- Loss of privacy - Significant impact on our privacy. The plans detail 3 windows in the side dormer in a part of the house that has had no windows since original construction.
- The windows will mean we are overlooked into a glass roof conservatory, kitchen, bathroom and the entire side and rear garden - including a decking.
- Loss of light - The extension along with the current works ongoing at the rear of No 12 will result in a loss of daylight/sunlight and be of a scale and dominance that we feel is inappropriate.
- We are concerned that these issues are magnified by the fact that the ground level at No 12 is above the first-floor level of our house.
- There is an existing significant difference in ground levels across the 2 properties, with 12 Cliff Avenue's ground level being above Crag House's first floor level.
- This already makes for a significant loss of light to the rear of the property. This will be exacerbated with the proposed works, where additional light will be blocked.
- Further, the proposed works, with windows proposed to be within an estimated c2.5 meters of the property's boundary, will mean that 3 new windows will enable a view downwards into the rear garden, 2 bathrooms, 1 bedroom, dining room and kitchen.
- The proposed application follows current rear extension works (presumably being completed within permitted development rules), which will already reduce privacy.

Relevant concerns of the neighbours have been addressed in this report.

### **Statutory/Non-Statutory Consultations**

**Conservation Officer** - No objections received.

### **Pre-start Conditions**

N/A

### **Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| NPPF  | National Planning Policy Framework                          |
| OL1   | Green Belt                                                  |
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| H2/3  | Extensions and Alterations                                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| EN1/2 | Townscape and Built Design                                  |
| EN2/2 | Conservation Area Control                                   |
| OL5/2 | Development in River Valleys                                |
| EN9/1 | Special Landscape Areas                                     |

### **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.

**Green Belt** – NPPF paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- d) replacement of a building, providing the new building is in the same use and not

materially larger than the one it replaces;  
e) limited infilling in villages;  
f) limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and  
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would - not have a greater impact on the openness of the Green Belt than the existing development; or  
- not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL/3.

This is further supported by SPD8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%) of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

The original dwelling measures 452m<sup>3</sup>, and proposed extensions include a single storey extension currently being constructed as permitted development measuring 52m<sup>3</sup>, and the proposed dormer extensions would measure 72m<sup>3</sup>. The proposed extensions combined would measure approximately 124cubic metres, which if approved would result in total extensions representing an increase of 27.4% on the original building which is below the 33% suggested within SPD 8.

In this instance due to the siting and design of the proposed development it is considered that it would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal is a limited extension that would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition above and beyond the original (replacement) building and is a limited extension. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

**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.

In terms of design and appearance the extension is not in-keeping with the existing house by virtue that this would be a dormer extension of a different design to the original house. Situated at the sides, the extension would be readily visible from the public arena, although its design and scale is generally considered to be appropriate for this property and streetscene. Although there is existing tree and shrub planting along the rear boundary and

to a lesser extent the west side boundary the east side boundary has no natural screening.

The property is of a style that has a gable facing onto the road frontage. The proposal is for a hipped roofed dormer on both sides to create a balanced symmetrical design. Although the materials would be generally different to the original house, the design would nevertheless be similar to the dormer extensions of the adjacent property on the same street. As such the alterations will not look out of place or out of keeping with the property and accord with both UDP Policy H2/3 and SPD 6.

**Residential amenity** - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

The existing bungalow is located on a section of road that slopes westwards, and consequently, the roofs of the properties also are of different heights, directly overlooking neighbours rear gardens. The 3.8m and 1.5m separation distances to the side boundary from the extension are considered to be unacceptable. Given these relationships and the position of the habitable room windows in the new dormers and the existing properties either side including occupiers of the new habitable rooms, there would be a severe detriment to residential amenity of the neighbours that would warrant refusal. As such the proposal fails to accord with UDP Policy H2/3 and SPD 6.

The extension is unacceptable in relation to the unattached neighbour at No.10 as it would result in the construction of an (east side) dormer window habitable room that is directly facing a neighbours side dormer window at close range, and therefore fails to comply with the '45-degree rule' within SPD6.

In terms of the unattached neighbour at No.3 Hill Street, the impact of the extension is also significant. Overlooking to this neighbour is evident by the proposed (west side) dormer window habitable room, which would directly overlook that neighbours rear garden including an existing patio/ BBQ area that currently provides a significant degree of residential enjoyment. The other rear windows on that neighbours rear elevation are all either non-habitable windows or they are of a sufficient distance from the proposed development (eg. 15m to the dining room window at an indirect angle) so as not to be impacted by any loss of residential amenity and therefore cannot be afforded significant weight in any assessment.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the east of 3 Hill Street. The extension would have some impact on that neighbours rear garden in the mornings but although the proposed development is on a higher elevation the fact it would be constructed on and no higher than an existing roof means that any overshadowing would not be seriously excessive above and beyond the existing situation.

It is noted that the neighbours at No.10 and No.8 have existing side dormer windows at close range although these were approved prior to the adoption of current guidance in SPD6. The extension would be unacceptable and fail to comply with UDP Policy H2/3 and associated guidance in SPD6.

**Highways** – No changes proposed.

**Conclusion** – In consideration of the above, it is considered that the proposed development would be unacceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be unacceptable and fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

**Recommendation:** Refuse

**Conditions and Reasons:**

- 1 The position of the proposed side dormer windows in relation to adjacent residential properties, would result in an unacceptable reduction in the level of privacy presently enjoyed by the occupiers of those adjacent properties particularly 10 Cliffe Avenue and 3 Hill Street. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| SGR                 | 12/04/2022  |                         |             |