

DELEGATED REPORT

Report by Amanda

Date of report: 13/11/2023

Ref:70063/FUL

Uhunmwagho

Registration: 20/09/2023

LDfC: 13/10/2023

Expiry Date: 15/11/2023

Site Visit: 12/10/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Loft conversion with rear dormer; Installation of window to first floor front elevation

Location: 17 Croft Lane, Bury, BL9 8BU

Description

The application relates to a two storey mid-terrace property fronting on to Croft Lane. There is a small front garden with low wall and railings to the boundaries. At the rear there is a yard with timber fencing to all boundaries and a gate for pedestrian access.

The proposal is to convert the loft to create a new bedroom and en-suite bathroom. A flat roof dormer would be added to the rear of the property. At first floor level a bedroom would be converted into two rooms which means the existing front window would be repositioned slightly to the south and a new window would be installed to the additional bedroom. The drawings also show that there would be a new rooflight installed to the front of the property.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 22/09/2023 - No comments or objections received.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

The proposed new windows to the front elevation would be brown upvc to match the existing windows on the property. As such the additional window would be considered to be in keeping with the existing building and would not have any significant detrimental impact on the character of the existing streetscene.

The dormer would be to the rear of the dwelling, but given the site's raised position compared to properties on Blenheim Close to the rear, the dormer would be visible from these properties. However, the dormer could be constructed under Permitted Development Rules and this has to be taken into consideration. The proposed materials and design of the dormer would be as expected on this type of property As such it would not cause any significant detrimental harm to the character of the existing streetscene.

The rooflight to the front of the property could be installed as Permitted Development.

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 -

- Given that there is an existing first floor bedroom window to the front elevation, the additional window, also to a bedroom would not result in any more of an impact on residential amenity to properties at the front of site, particularly as there is a busy main road in between.
- The rooflight to the front could be installed as permitted development.
- Properties to the rear of Blenheim Close would be over 30m away from the proposed dormer and there is a back street, an area of grass land and another road in between. As such there would be no significant detrimental impact on residential amenity at those properties.
- As there would be no extensions other than the roof there would be no significant detrimental impact on residential amenity at either of the adjacent properties.

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 separation distance to the surrounding properties.

Parking -

The proposal would increase the number of bedrooms from 2 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing does not have any on site parking available. Vehicles appear to be parked along the back street to the rear of the site or on Blenheim Close to the rear. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Neighbour notification -

Properties on Blenheim Close to the rear are over 30m away from the application property and there is a back street, an area of grassland, with trees and another road in between the site and properties on Blenheim Close. As there would be over 30m from the dormer to these properties, and taking into account that the dormer could be constructed as Permitted Development they were not notified of the proposal.

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 R-0785-01, R-0785-02 and R-0785-03 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 13/112023			