

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/05/2023	Ref: 69405/FUL
Registration: 15/03/2023	LDfC: 06/04/2023	Expiry Date: 10/05/2023
Site Visit:	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:
		Stat Class: MIDW

Proposal: Dormer at rear and conversion of loft space to 1 no. flat

Location: 73-75 Ainsworth Road, Bury, BL8 2PY

Description

The site consists of a end of terraced shop with a residential accommodation on the first floor in the Ainsworth Road Neighbourhood Centre. The premises have a walled yard area to the rear that backs onto Back Ainsworth Road South.

The properties on Knight Street to the rear are residential and on the opposite side of Ainsworth Road is Whitehead Park Recreational Ground.

Planning permission is sought to convert the existing loft to a self-contained 1 no. flat. To accommodate the proposed flat, a permission is also sought for a dormer to the rear.

The rear dormer extension would be built within the footprint of the existing roof and would have a setback of 0.2 metres from the roof's ridge. The dormer extension would have a flat roof and utilise the use of some matching materials.

Relevant Planning History

52830 - Change of use of part of ground floor shop to self contained flat; Change of use of first floor to self contained flat - Approve with Conditions 25/08/2010

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections received.

Environmental Health - Pollution Control - No objections received.

Housing - Public Protection - No objections received.

Waste Management - No objections received.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk

EN7/3	Water Pollution
EN7/5	Waste Water Management
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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- Design and Layout

UDP Policy H2/3 and SPD 6 seek to achieve a high standard of design that complements the original dwelling and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment.

According to Policy H2/4 conversions requires the application to be assessed in relation to the general character of the area, and the existing concentration of flats and the effect on the street scene of any changes to the external appearance of the building. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The immediate street scene is depicted by rows of two storey terraced dwellings. There would be minor alterations to the front of the building. This would be the proposed rooflights and as such it is considered that this element of the proposal would be in keeping with the particular residential character of the surrounding area.

The proposed rear dormer extension would have a flat roof and due to its corner location, it would be visible from the public arena. However, there are number of properties within this street with similar rear dormers. Furthermore, the development would also be built with design and materials that would be in keeping with the existing building and therefore would be acceptable.

UDP Policies H2/1 and H2/2 require good quality residential environments and consideration of the density and character of the area. Paragraph 122 of the NPPF states that LPAs should take into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”. The need for carefully designed open spaces, and gardens is also highlighted in the MHCLG National Design Guidance. The proposal would include the subdivision of the existing dwelling. Given the number of bedrooms associated with this unit (2 bedrooms) and the fact that similar self-contained flat already exist on the floor below, the proposed unit would be considered acceptable.

Bins

The proposed plans include the provision of refuse storage for 3 bins at the rear of the property. This area would be located on the yard rear of the property and would be shared with the existing flat below. Given that Bury MBC require 3 bins per property, the proposal would therefore comply with UDP Policy H2/1, H2/2 and Paragraph 122 of the NPPF.

Impact upon residential amenity

SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

The only changes to the front elevation would be the installation of the proposed rooflights. Furthermore, the dormer would have no proposed side windows and there would be a sufficient distance to the rear boundary. Therefore, the proposed development would not have any adverse impacts upon the amenity of the neighbouring properties.

Parking

There is unrestricted parking both on Ainsworth Road and Knight Street. Given the maximum parking requirement for the combined flats and shop would be 4 spaces to accord with SPD 11. It is therefore considered that there is adequate on-street parking.

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 JG1-00, JG1-01, JG1-02, JG1-03A, JG1-04, JG1-05, JG1-06 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 bin storage facilities indicated on the approved plans shall be implemented prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/05/2023	DM	05/05/23