

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/01/2022	Ref: 67770/FUL
Registration: 18/11/2021	LDFC: 10/12/2021	Expiry Date: 13/01/2022
Site Visit: 20/12/2021	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: HOUS

Proposal: Two storey front/side extension; Rear dormer; First floor side window

Location: 39 Moorside Road, Tottington, Bury, BL8 3HP

Description

The property is a semi detached dormer bungalow located at the head of a cul de sac. It has a garden and drive to the front and a single storey section to the west side. There is a gap to the east side which leads round to a fenced rear garden. The neighbouring property to the side of the proposal is No.41, also a detached dormer bungalow which sits at an angle to the site. To the rear the site borders the rear garden to 13 & 15 Croft Drive.

The application includes a side extension coming out 3.4m and running from front to rear elevations at ground floor. At first floor the front dormer would be extended across. To the rear a flat roofed dormer would run across the existing and extended roof slope. The extension would form an extended kitchen/dining room with an additional and extended bedrooms and a bathroom at first floor. To the front a two storey extension 1.6m deep and 3.7m across would replace the front porch. It would form a full height hall.

Relevant Planning History

35659 - Extension to existing front dormer and conversion of flat roof to pitched on existing garage - AC 26/08/99.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 and design - The proposed two storey side extension would see the roof extended out from the existing ridge to form a side gable wall and the front dormer would be flat roofed extending from the existing. To the rear the new dormer would be flat roofed. The two storey front would have a dual pitched roof. It would project 1.6m deep from the existing ground floor frontage with the first floor running back with the roof linked to the existing ridge. This would see a deeper than 1.6m elevation to the west side. Given the site location at the top of a cul de sac it is not considered that the proposal would be an intrusive feature in the street and the design is considered acceptable. Materials would be grey render and roof tiles with the dormer walls timber clad.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. Existing bedrooms would be enlarged and one would become an ensuite. A drive of 5.5m in length would be retained to the front and the gap to the west side, where there is also currently parking, would be 3m in width and 12m in length. The parking arrangements would then be sufficient.

Residential amenity - The neighbouring property to the side of the two storey is No.41. It

sits at an angle away from the site and as such the proposal would not cause any significant loss of light or overshadowing. The side elevation of the proposal would be blank wall.

To the rear the extension and dormer would face towards the rear garden and elevation to 13 Croft Drive. The existing site rear is approximately 6.4m from the rear boundary and the extended section would be less at approximately 5.8m. SPD6 requires 7m from a proposed first floor habitable room to a rear boundary. Dormers to the rear can be constructed under permitted development and a section of the proposed one would be to the existing rear roof slope and this is a material consideration. The extended section with dormer has been revised to replace what was a bedroom to be a bathroom and with obscure glazing. This would then prevent overlooking from the new extension. In terms of separation, with regard to overbearing relationships, then the rear elevation of 13 Croft Drive is angled as such that its direct facing relationship is towards the existing site property. There is an existing separation between 11.6 and 13m. Normally a full 13m would be required however as previously noted that fact the dormers can be permitted development is relevant to the assessment.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal would not conflict with the purposes of UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the existing drawings received on 18/11/21 and revised proposed floor plans and elevations received 10/01/22, proposed roof plan, side elevations and site plans received 18/01/22 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 extension hereby permitted the bathroom window to the rear dormer shall, as noted on approved plan received 10/01/22, be fitted with obscured glazing 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.

DELEGATED REPORT

<u>Case Officer</u> JL	<u>Date</u> 21/01/22	<u>Sign off Officer</u>	<u>Date</u>
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