

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/01/2025	Ref: 71242/FUL
Registration: 30/10/2024	LDfC: 20/11/2024	Expiry Date: 25/12/2024
Site Visit: 29/11/2024	Site Notice: N/A	Press Date: N/A
09:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension; Single storey rear extension; Rear dormer

Location: 4 Tor Avenue, Tottington, Bury, BL8 4HG

Description

The site relates to an existing detached dwelling within an established residential area which comprises a mixed style of housing with the general pattern being relatively large detached dwellings set in generous sized gardens. The existing dwelling sits between a short row of two other houses, Nos 2 and 6 which form one side of Tor Avenue. The property is 2 storey and similar in height, scale and layout to the surrounding estate. There is an existing access and driveway parking with a low brick boundary wall along the frontage.

Planning permission is sought for the erection of a first floor side extension, a single storey rear extension and a dormer to the rear. The first floor side extension would be achieved via a roof extension. The existing pitched roof would be extended to the side to form a side gable, effectively converting the existing void spaces into livable spaces. The single storey rear element would project between 2.75m and 3m to the rear. This extension would infill the existing enclave. Constructed within the footprint of the existing roof, the dormer to the rear would have a flat roof that would not extend beyond the existing ridge height. The development would accommodate open plan kitchen/diner/living on the ground floor, a additional bathrooms on the first floor level and two additional bedrooms along with a bathroom on the second floor via proposed dormer. The single storey extension and the proposed dormer would have flat roof, while the first floor element would have a pitched roof. The proposal would be constructed using matching materials.

Relevant Planning History

52259 - Front Dormer - Refused 16/04/2010

52507 - Front dormer (resubmission) retrospective amendment. - Approve with Conditions 28/05/2010

52863 - Application for non-material amendment following grant of planning permission

52507 for retention of existing dormer front window - Approve 03/08/2010

67882 - Demolition of existing dwelling and construction of replacement dwelling with associated hard and soft landscaping - Approve with Conditions 08/07/2022

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

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.

In relation to raised roof height SPD 6 states that proposals to increase the height of a house can appear incongruous and will be assessed on its impact on the character on the street scene. In this instance, while the existing roof would be extended its ridge height would not be increased. Additionally, the dwelling is a detached house located on a street with different style properties with various heights. Therefore, the proposed extension would not lead to any detrimental impact on the street scene in this case.

The single storey rear extension would be a modest structure projecting between 2.75 metres and 3 metres. The extension would infill the existing enclave and it would be constructed with matching materials. As such, the extension would be in-keeping with the existing dwelling.

Situated to the rear, the rear dormer extension would have simple design which would not detract from the character of the dwelling. It would not be visible from the street scene at the front and it would be constructed with matching materials. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

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

- The property is located centrally on large plot of land and there would be sufficient distance to the side and rear boundaries from the proposed rear dormer. Furthermore, there are large trees and scrubs to rear of the site. This would effectively screen the proposed development from the properties to the rear.
- The first floor side roof extension would not extend beyond the footprint of the existing dwelling and as such, the 45-degree rule would not apply. Additionally, there would be no proposed side windows. Therefore, there would be no detrimental impacts on the outlook and privacy of the adjacent neighbours.
- The properties to the rear and front are over 20m away. Therefore, the proposal would not have any serious impact on the residential amenity of any neighbouring properties.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The proposed extension would not project more than 3 metres therefore, it would be considered acceptable.

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.

Highways

The proposal will result in two additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 101, 102, 103, 104, 105, 106, 107 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	06/01/2025	DM	06/01/25