

DELEGATED REPORT

Report by Amanda

Date of report: 28/03/2022

Ref:68129/FUL

Uhunmwagho

Registration: 23/02/2022

LDfC: 26/03/2022

Expiry Date: 20/04/2022

Site Visit: 08/03/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Proposed single storey rear extension, hip to gable roof extension and rear dormer extension.

Location: 59 Mountside Crescent, Prestwich, Manchester, M25 3JH

Description

The application property is a two storey semi-detached house with gardens to the front and rear of the dwelling. There is a shared drive way to the north side of the property which provides access to the rear of the site as well as the rear of no.57 Mountside Crescent to the north. There is a greenhouse in the rear garden on site and no.57 has a detached garage adjacent to the shared boundary.

The first part of the proposal is to build a single storey rear extension projecting 3.55m from the original rear elevation and measuring 5.85m wide. The roof would be mono-pitched with two rooflights.

The second part of the proposal would be to convert the hipped roof to a gable and add a rear dormer. The dormer would measure 5.5m wide and it would have a flat roof. It would be set back from the rear elevation by around 590mm and would be set in from either side by around 388mm from the party wall and 440mm from the outer wall.

Relevant Planning History

N/A

Publicity

Neighbours notified on 04/03/2022 - One objection received. They have objected to the proposal on the grounds that the dormer would overshadow their property leading to loss of light both internally and externally and that it would overlook their property which would lead to a loss of privacy.

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. 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.

All of the development would be to the rear of the property and as such would not be openly visible in the public realm. However it is stated on the application form that the proposed materials would match those on the existing property and the design of the proposal would be considered acceptable in this location.

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 -

- There would be over 12m from the rear of the single storey extension to the rear site boundary with woodland and open ground beyond.
- The single storey rear extension would project 3.55m from the original rear elevation and would be approximately 100mm off the shared boundary with the attached neighbour. SPD 6 advises that a single storey rear extension on an attached property shouldn't project more than 3m along a shared boundary. However, taking in to account the Larger Homes Scheme and the fact the attached neighbour hasn't objected to the proposal the projection of 3.55m would be acceptable in this instance.
- To the north there is a gap of around 4.3m from the side elevation of no.57 Mountside Crescent to the existing dwelling on site. This property has a higher ground level to that on site and a conservatory to the rear. Taking this in to account and that the proposed extension would have no windows to the side elevation facing this property it is considered that there would be no significant detrimental effect on residential amenity at this property or its garden.
- The shared drive way access would not be affected by the proposed development.
- The proposed roof conversion from a hipped to a pitched roof could be undertaken as Permitted Development. As the gap would remain between the application property and no.57 next door there would be no significant detrimental impact on residential amenity at this property due to the change in roof style
- With regards to the rear dormer most of the dormer would be built on the rear of the existing roof and dependent on what the volume increase was it is possible a similar size dormer could be erected on the rear of this property under Permitted Development rules. However, any views from the dormer would be directed over the applicant's own rear garden. There may be some views of the adjacent garden at no.61 (attached) but possibly no more than what could be viewed from the existing first floor windows.
- The application property is slightly angled away from no.57 Mountside Crescent, unattached to the north and so any views from the proposed dormer would be angled away from this particular property.
- The site is positioned south of no.57 next door but as the gap of just over 4m would be retained between the two properties there would be no significant detrimental effect on light to no.57 next door.

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.

Parking -

The proposal would increase the number of bedrooms from 3 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 has an area at the front for parking at least two vehicles and this would remain in place. There are no parking restrictions to the front of the property. As such in this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The neighbour's concerns have been addressed in the report above.

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

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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 ZT21-196-01, ZT21-196-02, ZT21-196-03 and ZT21-196-04 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 - 28/03/2022			