

DELEGATED REPORT

Report by Tom Beirne	Date of report: 27/07/2023	Ref: 69302/FUL
Registration: 06/06/2023	LDFC: 30/06/2023	Expiry Date: 01/08/2023
Site Visit: 12/07/2023	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single and two storey extension to front/side; addition of first and second floors to bungalow.

Location: 46 Sergeants Lane, Whitefield, Manchester, M45 7TS

Description

The application relates to a detached bungalow on a large corner plot on a residential road of mainly detached mix single and two storey properties. Vehicular access from Sergeants Lane to the front.

It is proposed to extend the ground floor footprint and add single storey, two and three storey extensions mainly to the front and sides. The house would be finished in a render with grey roof tiles. The existing access would be retained but it appears that the front garden would be given over to parking and turning although details are sparse.

Relevant Planning History

02750/E - Vertical extension and two storey front extension - Enquiry completed 02/08/2022

Publicity

Immediate neighbours notified by letter dated 09/06/2023. 2 Objections received from properties on Sergeants Lane. Summarised as follows:

1. The proposal constitutes overdevelopment of the site.
2. The proposed property would be extremely overdominant and incongruous within the streetscape.
3. Insufficient parking for the number of bedrooms proposed.
4. The proposal runs contrary to the existing covenant relating to development and building lines covering the residential estate.
5. The proposal would have a detrimental impact on light and privacy.

One representation from Higher Croft. - Looks like an excellent plan. Will modernise the street and bring character to the area. Bungalow does need updating as does look dated compared to most neighbouring houses which have been modernised. It will make the entrance of higher Croft more appealing .

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design

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 streetscape - The proposed extended house would appear very much more dominant on the site than the existing bungalow. Whilst this in itself may not be a problem in principle, the new building as proposed would appear extremely incongruous and overdominant within the streetscape, particularly the built form to the front and in relation to the immediate neighbour at No.48. It is considered that the property would be more appropriate with a significantly reduced footprint and with a lower profile. Given the significant changes to the house and streetscape is considered that the design and access statement submitted is not good and lacks sufficient design analysis.

The proposed development would constitute a prominent and incongruous element that would be seriously detrimental to the visual amenity of the streetscene by reason of its height, size and position within the plot. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 Extensions and Alterations, EN1/2 Townscape and Built Design and associated SPD6 Alterations and Extensions.

Residential amenity - Whilst the new building is very much larger than the existing property, the impact on the residential amenity of neighbours is not so significant. Side windows facing the immediate neighbour are obscure glazed. Distance to the rear boundary from the two storey rear elevation is approximately 14m and at the front there is over 10m to the footway along Sergeants Lane. In terms of residential amenity, the proposal is considered to be acceptable and complies with UDP Policy and guidance in this respect.

Access and Parking - Details relating to access and parking on the plans are sparse but it appears that the existing access would be utilised with the front garden paved to provide parking and turning for four vehicles. Parking for four spaces is considered sufficient for a dwelling of this size. Although creating hardstanding over the whole of the front garden would lead to a poor aspect, it is considered that with more details regarding boundaries, landscaping and surfacing, the access and parking could be acceptable with appropriate conditions. Without these details, it is considered to be contrary to UDP Policy and guidance and as such it would be appropriate to add a second refusal for lack of details around this issue.

Public representations - Where relevant, the material planning issues raised by objectors are reflected in the reason for refusal. The issues raised with regard to existing covenants are not material planning matters but private ones.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would constitute a prominent and incongruous element and design that would be seriously detrimental to the visual amenity of the streetscene by reason of its height, size and position within the plot. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 Extensions and Alterations, EN1/2 Townscape and Built Design and associated SPD6 Alterations and Extensions.
- 2 The application and submitted plans contain insufficient information with regard to access and parking to enable them to be properly assessed. As such the proposal is contrary to UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	27/7/23	DM	27/7/23