

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 13/01/2023 | <b>Ref:</b> 68979/FUL          |
| <b>Registration:</b> 14/11/2022 | <b>LDFC:</b> 07/12/2022           | <b>Expiry Date:</b> 09/01/2023 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two storey front extension; Two storey/single storey rear extension; Loft conversion with extended rear dormer; Hip to gable roof extension; Increase in height of roof; Render all external walls

**Location:** 174 Heys Road, Prestwich, Manchester, M25 1QL

**Description**

The application relates to detached property located on Heys Road. The premises has a paved frontage, with a private garden to the rear.

The proposal is to build a two-storey front extension, part two storey part single storey rear extension, a loft conversion with extended rear dormers and hip to gable roof extension to increase the height of roof along with the rendering of all external walls. The two-storey front extension would project 1.1 metres to the front. The part single element of the rear extension would project 6.35 metres to the rear while the two-storey rear element would extend 3 metres to rear from above. There would be an increase of 0.8 metres to the roof ridge height via hip to gable extension to facilitate loft conversion and two flat rear dormers that would project 4.7 metres and 2.8 metres.

The proposal would have flat roof to the rear, a pitched roof to the front and utilise the use of matching materials.

**Relevant Planning History**

None.

**Publicity**

Neighbour letter sent on 16/11/2022. One objection received.

**Comments**

The comments relate to the following concerns:

- Design: as a neighbour the new design is not in keeping with the rest of the surrounding area
- The height of the proposed roof
- Scale: The mass of the extensions seems excessive for the plot size
- Loss of light

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions**

N/A

**Unitary Development Plan and Policies**

EN1/1 Visual Amenity

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN1/2 | Townscape and Built Design                                  |
| H2/3  | Extensions and Alterations                                  |
| HT2/4 | Car Parking and New Development                             |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| 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 -**

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.

The two-storey front extension would be visible from the public arena. However, it would be a simple and unobtrusive design and given its minor projection would not detract from the character of the dwelling or over dominate it. The front extension would be constructed with materials to match the existing dwelling. As such, the proposed two- storey front extension would not be a prominent feature in the street scene and would therefore be acceptable .

The proposed part single, part two storey extensions would project over 6 metres to the rear on the ground floor level, 3 metres above and would both have flat roofs. Given the siting of 176 to the east, the whole flank walls are visible to the street scene and public arena.

As such, the development would be neither appropriate to, nor sympathetic with the existing structure, and would be seriously detrimental to the visual amenity of the area due to its scale and design. Whilst the properties on this street vary in design, they do however have similar roof ridge heights. Therefore, proposed increase of the roof's ridge height would have a detrimental impact on the general street scene.

Whilst the dormers would be lower than the ridge of the main property, at approximately 100mm this difference in height would be minimal. The proposed dormer extensions would therefore effectively create a three storey, flat roof extensions.

The smaller of the two rear dormers would project 2.8 metres and would be on the footprint of the main roof. This would be considered acceptable. However, the larger dormer would project 4.7 metres and would extend beyond the footprint of the main roof to over the proposed first floor extension. This would appear excessive in size. Furthermore, there are no other flat roof dormers visible in the locality. It is considered that the proposed scale, combined with the flat roofs would create an extension that is dominant, and out of keeping with the character of the original property and the neighbouring dwellings.

The proposals to accommodate the additional roofspaces requires the roof to be raised. This would add to the bulk of the property and would elevate it harmfully within the area as its ridge would stand oddly out compared to its neighbouring properties.

Overall, the proposed development would appear incongruous and alien to the immediate locale and therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

### **Residential Amenity**

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

- There would be over 20 metres to the properties in the front.
- There would be approximately 6 metres from the rear elevation of the extension to the rear boundary which would be less than the 7 set out in SPD 6.
- There would be no proposed side windows on any of the extended elements.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. The proposed development would project 6.35 metres along the shared boundary with No.172 Heys Road and No.176 Heys Road on the ground floor level which would be excessive even when considered the Larger Homes Scheme. Furthermore, there would be additional extension along with two dormers over this development. After applying 45° assessment this development would be overbearing and would have

some impact of overshadowing on both adjacent properties.

- In terms of the general prominence and impact on daylight the proposed extension would be slightly set off from the shared side boundary with No. 176 Heys Road. However, considering the scale of the development and its South-West orientation to No. 176 Heys Road there would be an unacceptable relationship to this property and thus impact on overshadowing and outlook beyond the existing situation unacceptably.
- There would remain an acceptable amount of outdoor private amenity space.

Taking the above in to account the proposal does not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of its impact on the adjoining dwelling.

### **Parking**

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

### **Response to Objection**

There would be some significant detrimental impact on the neighbouring properties. The above assessment above has highlighted those adverse impacts and addressed the concerns of the objections.

### **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 design of the proposed rear extensions, and rear dormers is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
- 2 The proposed roof height increase, by reason of its size and design, would be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| MW                  | 13/1/23     | DM                      | 13/1/23     |

