

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 12/04/2022

Ref:67936/FUL

Registration: 07/01/2022

LDfC: 28/01/2022

Expiry Date: 04/03/2022

Site Visit: 24/01/2022

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: Single storey rear extension; First floor side extension; Hip to gable roof extension to accommodate loft conversion with rear dormer and Juliet balcony

Location: 7 Hartley Avenue, Prestwich, Manchester, M25 0AT

Description

The application relates to a two-storey detached house on a residential street of generally similar properties. The unattached neighbour at No.9 is slightly elevated and has a single storey extension at the rear and the neighbour at No.5 is as originally built. The neighbours to the rear have trees and shrubs on the boundary.

Planning permission is sought for...

- Single storey rear extension that would project out 4.9m with a width of 6.8m up to the shared boundary;
- First floor side extension directly above the existing side ground floor footprint, including bay window;
- Hip to gable roof extension to accommodate loft conversion with rear flat roofed dormer almost the full width of the rear elevation.
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- Materials would match existing. There would be a separation of 15.6m to the rear boundary, beyond which there is a tree and shrub planting.

Relevant Planning History

17801 - Two storey Side Extension - Refused 16/01/86

48249 - two storey side extension with conservatory to the rear – Refused 2007

67724 - Prior approval for proposed single storey rear extension – Prior approval not required Dec 2021

Publicity

Immediate neighbours notified by letter dated 07/01/2022 and 25/03/2022 sent to 8 (eight) neighbours. One objection was received.

Objections -

Concerns are summarised below:

1. Previous extension refused in 2007 [NB closer inspection shows this was due to a habitable window on the neighbours elevation.]
2. Impact on neighbouring property.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

Highways – Stated the revised parking plans (which shows two parking spaces) were not detailed enough although the applicant has since reverted to the original plan with one space.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the extensions are generally in-keeping with the existing house. Situated at the front, side and rear, part of the extensions would be readily visible from the public arena. Materials would match existing.

The extension has been designed such that the main frontage will present new two storey bay windows overlooking the public arena, providing a generally sympathetic appearance opposite the existing two storey bay windows, and is considered to be a positive contribution to the street scene.

At the rear of the property the initial design has been changed to provide an improved window fenestration, and the dormer is set in from the gable side to reduce its prominence. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the 15.6m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The neighbour most affected is at No.9 Hartley Avenue to the immediate north of the site, which has a flat roofed kitchen extension on the rear of the house adjacent to the boundary with the site. The outrigger accommodates an existing kitchen extension. The house has a side habitable window for a 'morning room' (also a through-room to the kitchen) that faces the boundary and the side of the proposed extension at a distance of about 4m.

Given the height and proximity of the side extension (including gable roof and dormer) to the neighbour's window on the side of 9 Hartley Avenue and its relative aspect, the proposal should be considered with regard to SPD6 Alterations and Extensions for which the current guidance was adopted in January 2020. This guidance highlights that "Less weight will be afforded to habitable room windows located on side elevations", a point that was not a specific material consideration in earlier versions of this guidance note.

Additionally, the applicant has submitted a sunlight study covering different seasons at a range of times of day. This study shows the main impact is projected to be during March and September in the mornings, while there would be little if any impact during the core summer months.

Consequently it is considered that although there would be an impact on the neighbour's side habitable room in the mornings in Spring and Autumn, the overshadowing would not

be seriously excessive in light of the extent of the impact and the change in policy emphasis (since the previous refusal in 2007 for a similar application). In this respect the extension would not have such a serious impact on the outlook from No.9 to warrant refusal.

The extension is acceptable in relation to both neighbours as it complies with the '45-degree rule' within SPD6. In terms of the attached neighbour at No.5, the impact of the extension has been considered with respect to the 'larger homes extensions scheme' introduced by the government which allows extensions protruding from the original building line by 3m-6m providing there are no objections from neighbouring properties. The proposed ground floor extension would extend out 5m from the existing building line but no objections were received.

The extension would therefore be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. Although existing on-site parking provides only 1 car space, there is additional parking available on street. Given the situation and the fact there are no changes to parking layout, it is therefore considered that the parking arrangements are sufficient.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 drawings numbered GSS21107 004 Rev1, and GSS21107 003 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 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

DELEGATED REPORT

Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 Before the first occupation of the extension hereby permitted the toilet windows at the side elevation second floor shall 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.

<u>Case Officer</u> SGR 12/4/22	<u>Date</u>	<u>Sign off Officer</u> DM 12/4/22	<u>Date</u>
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