

DELEGATED REPORT

Report by Mo Warsame	Date of report: 07/09/2022	Ref: 68666/FUL
Registration: 13/07/2022	LDFC: 09/09/2022	Expiry Date: 07/09/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Hip to gable roof extension at the side with loft conversion and rear dormer along with new pitched roof to existing front bay window and alterations to first floor windows at the front.

Location: 10 Nursery Road, Prestwich, Manchester, M25 3EN

Description

The property is at 10 Nursery Road, a semi-detached corner property just outside conservation area. The dwelling is a two storey red brick semi detached house with a garden and drive to the front of the property and a fenced garden to the rear. To the opposite side is No.6, a detached property with different design that extends at the rear with a two storey outrigger. This property is within Poppythorn Conservation Area the border of which runs along the boundary with the site which is outside. To the rear, the proposed site borders the side garden of 2 Elm Grove which is also outside the Conservation Area.

Planning permission is sought for hip to gable roof extension at the side with loft conversion and rear dormer along with a new pitched roof to existing front bay window and alterations to existing first floor windows at front.

For the purpose of this application the proposal has been split into two. Proposal A relates to the hip to gable roof extension at the side with loft conversion and rear dormer. Proposal B relates to the new pitched roof to existing front bay window and alterations to existing first floor windows at the front.

Relevant Planning History

N/A

Publicity: Immediate neighbours notified by letter dated 19/08/2022 sent to 6 neighbours. No representations were received.

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.

Proposal A

This proposal relates to the hip to gable roof extension at the side, loft conversion and rear dormer extension. The immediate street scene is depicted by a mix of bay fronted detached and semi-detached properties the majority of which have no rear dormers, however there

are some gable roof details visible. Any dormers visible on properties are limited to single, pitched roof dormers. Flat roof dormers appear to be limited to the rear of properties. SPD 6 states that the Council will seek to ensure that proposals for dormers preserve the character of the street scene especially where dormers are absent. SPD 6 also states that flat dormer roofs should be avoided, unless considered more appropriate to the building or the street scene.

In this instance the proposed dormer extension would over dominate the design and character of the original property whilst being visible from the public arena due to its corner location. This proposal would be considered incongruous and would conflict with the character of the area. Overall, the dormer would be seriously detrimental to the visual amenity and the street scene of the area and would therefore not comply with UDP Policy H2/3 and SPD 6.

Proposal B

This proposal relates to the new pitched roof to existing front bay window and the alterations to existing first floor front windows. The design of the proposal would be in keeping with the existing building and street scene along Nursery Road. Therefore, this part of the proposal would be acceptable.

Residential Amenity

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

Proposal A

- In terms of overlooking and privacy to the rear; there are sufficient separation distance to the property at 2 Elm Grove.
- The proposed dormer extension would be built entirely within the existing building footprint.

Proposal B

- There are no new side windows proposed and the proposed windows to the front of the property will solely replace existing windows.
- The existing outdoor private amenity space would be unaffected.

Parking

The dormer extension will result in an additional bedroom on the loft, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

Conclusion

Proposal A

In consideration Proposal A would be unacceptable in terms of the character and design. As such, the proposed development is therefore considered to be unacceptable and fails to comply with UDP Policies EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, and UDP Policy H2/3 and associated guidance in SPD6

Proposal B

Contrary to the above development Proposal B would not have any detrimental effect on visual and residential amenities. As such, 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 in terms of residential amenity.

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

In respect of Proposal A 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.

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

In respect of Proposal B 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: Split Decision

Conditions and Reasons:

- 1 In respect of Proposal A the proposed development would, by reason of its size and design, 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 of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 1 In respect of Proposal B 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 In respect of Proposal A the proposed dormer with the large flat roof design to therear of the building is neither appropriate to, nor sympathetic with the existing structure, and would be considered seriously detrimental to the visual amenity of the area. The proposed development 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.
- 2 In respect of Proposal B this decision relates to drawings numbered (DR) A204, (DR) A100, (DR) A200, (DR) A101 and (DR) A201 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 In respect of Proposal B 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	7/9/22	DM	7/9/22