

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/01/2022

Ref:67690/FUL

Registration: 20/10/2021

LDFC: 26/11/2021

Expiry Date: 15/12/2021

Site Visit: 11/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 4

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Raise roof ridge height with loft conversion, rear dormer and two pediment windows to front

Location: 35 Bankside Avenue, Radcliffe, Manchester, M26 2QH

Description

The application relates to a two-storey detached house on a residential cul-de-sac of similar properties. The unattached neighbours both have a single storey conservatory extension at the rear. Nr 33 is set forward slightly while Nr 37 is within the same building line. The rear boundary has extensive shrubbery and bounds the River Irwell.

The front lawn has previously been covered with tarmac with space for three cars. At the rear there are a number of outbuildings including a raised swimming pool structure, consequentially there is very little remaining outdoor amenity space within the curtilage.

Planning permission is sought for

- Raised roof ridge height by 117.7cm.
- Raised eaves by 35.2cm.
- Loft conversion with rear dormer including flat roof and large windows across the full width with flat roof.
- Two small pediment windows to front with hipped roof.
- Walls would be finished in a render to match the main house, the roof would be interlocking tiles to match the principal roof with EPDM flat roof system, and the windows would be UPVC to match with electrical switching obscuring glass to rear dormer.
- There are no side windows being proposed. There would be a separation of 13.1m from the existing rear ground floor extension to the boundary or approximately 17.0m from the dormer extension to the rear boundary.

Relevant Planning History

None

Publicity

Immediate neighbours on Bankside Avenue were consulted by letter on 04/11/2021. Seven objections/ representations were received.

Objections -

Concerns received are summarised below:

- Design - The proposed planning application for, "a raised roof ridge height with loft conversion, rear dormer and two pediment windows to the front", is of a design which is not in keeping with the scale, character, or appearance of the other properties, and would fundamentally change the appearance and aesthetics of the cul-de-sac and would also be out of character with the other properties in this small cul-de-sac.
- Object to the raising of the roof height and the proposed high-level windows at the front of the property. Raising the roof height is not in keeping with the contour of the rest of the properties in the cul-de sac, or even the rest of the estate.
- This property has already had numerous alterations made to it in the past, some of which make it look more like a commercial property rather than residential, we feel raising the roof would only further emphasize this.
- Overbearing - The scale of the proposed plan would have an oppressive impact on surrounding houses within the cul-de-sac.
- The appearance of the proposed building extension will have an overbearing effect on all the other properties in the cul-de-sac due to the height and it will look completely out of place in what is otherwise a traditional avenue.
- There would be a "Loss of outlook" for the properties opposite No 35, which could have an adverse overbearing effect for them as well as loss of privacy in there front bedrooms due to the height of the pediment windows.
- Privacy - The proposed plan would have a row of 7 windows the full length of the roof at the rear, which would give me no privacy at all in my garden.
- Most of the houses opposite will have their privacy badly affected by proposed windows on the front which will give a bird's eye view directly into the front bedrooms of these properties
- We have lived here for 23 years and one of the many attractions of our property is the privacy of our rear garden.
- The high-level windows will give clear view into the bedrooms of the houses, both directly and diagonally opposite.
- Overshadowing - The height and proximity of the planned development will reduce a large amount of sunlight in my garden, in relation to the elevation and direction of the sun. This would also reduce the light coming into my side window on my upstairs landing.
- Our privacy and natural sunlight, that we have a right to, will be completely impacted.
- The height of the proposed extension may lead to a loss of natural light in the close as the sun rises directly behind Nr.35.
- Object to the dormer, the additional height of 1177mm and the 7 glass windows at the rear of the dormer. The 7 glass windows will afford an outlook into our whole garden and in addition the height of the dormer conversion will block valuable sunlight into our garden especially in the winter months.
- Should, for some obscure reason, planning permission be granted, Velux windows at the front would alleviate some of our concerns, but then we would still have to endure the cul-de-sac being turned into a building site all over again, it is becoming a regular occurrence.
- There was also a previous planning application rejected in the avenue due to an objection.
- Albeit a long time ago, a property within Bankside Ave was refused a 1st floor extension. Ref: 97/33668
- Nr.35 has had numerous home improvements of the last few years, and I have had my drive blocked, grass driven over, even had my solar lights that I had in my front

- garden driven over by numerous builders etc. and nothing passed on to me.
- As the cul-de-sac is small the works will create a lot of workmen blocking my drive and access in and out, this will need to be taken into account while the works are being done.
- I work from home and the noise needs to be a consideration.
- The works will generate substantial and considerable noise for all the neighbours and there are several night workers in the cul-de-sac
- Comments are in support of No 37.
- We hope Mr & Mrs Macdonald will understand our objection.

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

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2	Housing Environment and Design
H2/1	The Form of New Residential Development
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 persons who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and persons 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 design - UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan sets out the factors against which householder developments are considered and which are: -

- a) the size, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties; and
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

In terms of design and appearance the two small dormers proposed at the front are appropriate in scale in relation to the existing property, set in by 0.64m from the front, and are set 25m from the houses opposite which is considered to be an acceptable separation distance.

The proposal includes plans to raise the roof ridge and eaves by 1.17m and would be readily visible from the public arena. Although this is considered to stand out slightly within the immediate surrounding suburban cul-de-sac streetscene, the applicants existing roof pitch is lower than both dwellings on either side and is it would raise the roof to only 0.85m above the neighbours roof pitch.

The proposed rear dormer incorporates full height glazing almost the full width of the roof although this is considered to be generally similar in appearance to existing extensive glazing at the rear ground floor and is therefore considered to be generally consistent with the existing rear elevation of the property. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the separation distance to the opposite rear boundary from the rear dormer extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing shrub planting along the rear boundary would further reduce the impact to the rear.

The extension is acceptable in relation to the unattached neighbours as it complies with the '45-degree rule' within SPD6. In terms of the general prominence and impact on daylight the extension is set to the south of the rear garden at Nr.33. The proposed height of the

extension would have an impact on part of that neighbours rear garden in terms of some loss of natural light particularly around midday. However, it is considered that any overshadowing would be seriously excessive above and beyond the existing situation. In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would not affect the existing site access or parking arrangements above and beyond the current situation.

Plans – Some plans submitted appear to have been incorrectly labelled as ‘proposed’, however this point was not taken up with the agent as it would not affect the overall recommendation.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the size, position and design, 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 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: 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 Project PMC/001/01 – Proposed 1st Floor Layout; Project PMC/001/01 – Existing and Proposed Ground Floor Layout; PMC/003/01; PMC/004/01; PMC/005/01; PMC/008/01; PMC/009/01; Project PMC/010/01; and PMC/011/01 as submitted on 20/10/2021 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 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>
Steven Gunn-Russell	18/01/2022		