

DELEGATED REPORT

Report by Amanda

Date of report: 28/01/2025

Ref:71301/FUL

Uhunmwagho

Registration: 26/11/2024

LDFC: 19/12/2024

Expiry Date: 21/01/2025

Site Visit: 11/12/2024

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: Conversion of loft and addition of side dormer to form first floor accommodation to existing bungalow; Single storey side/rear extension; Raised patio at rear; Front porch; Additional window to front elevation; Render to all elevations

Location: 44 Philips Park Road West, Whitefield, Manchester, M45 7GJ

Description

The application relates to a detached bungalow which is raised in level compared to the highway in front. The immediate area predominantly consists of detached bungalows but the property to the west of the site is a two storey dwelling. Directly opposite the front of the site is Philips Park. There was a detached garage to the east side of the house, but this has since been removed. Internal works on the property have already begun and the rear garden has been levelled out to the same level as the dwelling.

Following discussion with the agent they will be submitting a separate planning application with regards to the levelling of the rear garden and those works do not relate to the current proposal.

The proposal is to convert the loft and add a side dormer to form first floor accommodation. There would also be a single storey side/rear extension, front porch, additional window to front and rear elevations and render to all elevations. The main entrance to the property would be moved to the front elevation and a porch would be added. It would measure 1000mm x 1965mm and the roof would be pitched.

The extension to the east side of the property would measure 3785mm wide x 12,335mm long. The front of the extension would have a pitched roof with a gable wall to the east. The single storey section to the rear would have a hipped roof. At the rear the extension would measure 11,290mm wide x 2600mm projection at the rear and the roof would be hipped. There would be no windows to the east side elevation and one rooflight.

At the rear there would be a new first floor window installed to the existing rear gable (bedroom 2). There would be patio doors, and utility room door and window to the single storey rear extension as well as three rooflights.

A dormer would be added to the west side of the roof to provide two bedrooms and a bathroom to the first floor. There would be one window to the dormer. As this would serve a bathroom the window would be obscurely glazed. There would also be a new window installed to the front elevation to bedroom 3. Existing windows and a door would be removed from the west side elevation and a single en-suite bathroom window would be installed.

To the front of the house part of the garden area would be removed and the existing driveway would be extended across part of the front of the site. The plans show that the

materials to be used would be porous and there would be an Aco drain installed to the front of the drive. There would be no changes to the existing vehicular access to the site, or the dropped kerb in front.

Relevant Planning History

N/A

Publicity

4 neighbours were notified on 28/11/2024 - One neighbour responded. A summary of their objections is below;

- The proposed first floor window to the rear elevation would result in a loss of privacy at their home. A window to the east of west sides of the property would not cause a problem.
- Extensive work has already been carried out at the rear of the property, although planning permission has not yet been granted.
- The rear garden has been excavated and brought to the level of the ground floor of the building, necessitating the construction of a retaining wall. There is no mention of this in the planning application or details of its construction. I am concerned about its ability to act as a retaining wall to prevent our garden from slipping onto the proposed patio area that is shown on the plans.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
PFE	Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

In the immediate vicinity there are a number of detached bungalows and a two storey property to the west. All of the properties are slightly different in design and some have been extended and rendered. The proposal to finish the walls with white or cream render, with the addition of grey window/door frames would not have any significant detrimental effect on the character of the existing streetscene.

The entrance to the property would be relocated to the front elevation and there would be a new porch added. The porch would have a pitched roof and be finished to match the rest of the property. It would be a relatively small extension to the front elevation and it is considered that it would not have any significant detrimental impact on the character of the streetscene.

The changes to the front garden and drive would not have any significant detrimental effect on the character of the streetscene and it is also noted that this part of the development could be undertaken as permitted development. The design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There are no residential properties to the front of the site. As such the new window to

the front gable would not have any detrimental effect on residential amenity.

- Properties to the rear are currently around 21,000mm away from the existing dwelling and they have a higher ground level compared to the application dwelling. The addition of the single storey extension would bring the property 2600mm closer to the rear boundary, but the main gable to the rear would remain in the same position.
- There would be one new bedroom window to the upper floor on the rear elevation which would be around 10,000mm away from the rear boundary. SPD 6 states that there should be at least 7000mm from a first floor habitable to a boundary. As such the resulting separation distance from the new window to the rear boundary would be considered acceptable in terms of SPD 6.
- Any views from the single storey rear extension would be over the applicant's own garden only as there is a high level boundary wall/fence to the rear of site.
- The new dormer to the west of the roof would have one bathroom window, which would be obscurely glazed. As such the position of this window would not have any seriously detrimental impact on residential amenity at no.46 next door. A condition would be added to the decision stating that this window should remain obscurely glazed at all times in the future.
- On the east side the proposed garage would be set back from the front elevation of the dwelling by around 1900mm and the remaining drive length in front would be around 8100mm. This would be acceptable in terms of SPD 6.
- The drawing shows hardstanding to the front, but at around 4350mm the area directly to the front of the dwelling would be considered to be sub-standard in terms of drive length requirements. However, the applicant may be able to park a vehicle diagonally across the front of the house and there would be one space in front of the garage. There would also be space for at least one vehicle in the garage if required.
- The proposed plans show that the new driveway and hardstanding to the front of the site would be porous and there would also be an Aco drain to the front of the driveway where it meets the back of the pavement. This would help to prevent excess surface water run off on to the highway in front.
- The drawings show that all of the development would take place within the residential curtilage of the site.
- There would be no windows to the side of the garage adjacent to the boundary with no.42 next door and the drawing show that the building would be built slightly away from the shared boundary. As such there would be concerns regards encroachment to the east and no loss of privacy at no.42.
- The existing path to the west side of the property would remain as it is for access to and from the rear garden.
- The proposed porch would be set well back from the front boundary and in from both side boundaries.

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 separation distance to the surrounding properties.

Parking -

The proposal would increase the number of bedrooms from 2 to 3 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 2 parking spaces. The proposal includes a large garage to the east side of the dwelling as well as parking for at least one vehicle on the drive in front. There may be potential for further if the applicant should require it.

The area has on street parking and there is public transport available nearby. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

One of the concerns is that the new bedroom window to the rear elevation would result in a loss of privacy to the rear of the properties to the rear of the site. Users of the new bedroom would have more of a view over the properties to the rear, but as the distance to the rear

boundary, from the window would be 10,000mm it would be considered acceptable in terms of SPD 6. As such there would be no reason to refuse the proposal due to the position of the rear window.

It is noted that building works have started at the property and this would be at the risk of the applicant. However, the works they have done currently are to the internal areas of the house along with removing the previous garage. They would not require planning permission to do these works, but have gone on to apply for planning permission prior to starting works on the proposed extension and roof works.

The rear garden has been excavated. This work is not part of the proposal and the applicant will be submitting a separate application for that. A new retaining wall has been built and this would be addressed when the planning application is submitted. However, if the wall is less than 2m from ground level it could possibly be built without the need for planning permission. A retaining wall would also not require Building Regulations.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy Nos EN1/2 - Townscape and Built Design, H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties, and Places for Everyone Joint Development Plan listed.

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 1466-02, 1466-06 and 1466-07 received on 29/10/2024, drawings numbered 1466-01 and 1466-04 received on 27/01/2025 and drawings numbered 1466-03 and 1466-05 received on 28/01/2025 as modified by the emails from Cube Design Solutions dated 27/01/2025 and 28/01/2025. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
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- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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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.

- 4 Before the first occupation of the extension hereby permitted the windows on the west side elevation 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 28/01/2025		DM	29/01/2025