

DELEGATED REPORT

Report by Mo Warsame	Date of report: 26/01/2023	Ref: 69097/FUL
Registration: 07/12/2022	LDfC: 06/01/2023	Expiry Date: 01/02/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side / rear; basement level extension at rear and erection of 1.8 metres high fencing

Location: 27 Rainsough Brow, Prestwich, Manchester, M25 9XW

Description

The application relates to a two-storey end of terrace house with a small front garden fronting on to Rainsough Brow and a larger rear garden accessed via South Row at the rear. There is a large driveway to the rear garden and fences to all boundaries.

The proposal is to extend the property with a single storey basement extension at the side/rear and a single storey side/rear extension above the footprint of the proposed basement. This would effectively form a two-storey rear extension from the basement. Proposal also includes the raise of existing fencing height to 1.8 metres. The extension would project 3 metres along the shared boundary with the attached property (No.29 Rainsough Brow) and would follow the shape of the site to run a total length of 5.3 metres on the opposite site adjacent to the highway. The development would have a flat with two roof lights and utilise the use of matching materials.

Relevant Planning History

67153 - Two storey part rear/side extension + Basement + Loft Conversion Dormer Roof Extension and outbuilding - Withdrawn - Invalid 01/10/2021

67824 - Two/single storey extension at side/rear with juliet balcony and basement level extension at rear; Raise roof ridge height/roof extension with loft conversion and rear dormer; Erection of outbuilding at rear; Alterations to parking and new boundary fence at side/rear - RefuseRefused 01/02/2022

68755 - Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a three storey house (maximum height 9.6 metres) - Prior Approval Required Refused - ExtPrior Approval Required Refused - Ext 28/09/2022

22/0208 - Erection of conservatory - 14/12/2022

Publicity

Neighbour Letter sent on 09/12/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section- No comments.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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 and Design 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 proposals are located next to a public footpath and therefore is readily visible to the public arena. Paragraph 41 of the National Design Guide states that ". Well-designed new

development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

- The existing built development, including layout, form, scale, appearance, details, and materials.

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, considering any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The multi-level extensions to the rear/side would be extensive on the rear of this property which is fully exposed to the public area at the front and rear of the site. At the rear the large effectively two-storey development with flat roof would be a very modern addition to a relatively small, traditional style house. The basement element would also further highlight this excessive over-dominant development that would conflict with the existing dwelling and the street scene. Additionally, the shape of the extension and the proposed flat roof would not be in-keeping with the original dwelling or with adjacent and nearby dwellings. Therefore, it is considered that the proposal would have a seriously detrimental effect on the character of the existing dwelling and the public arena.

Overall, the proposals represent an incongruous collection of extensions with no homogeneity of design and pays no mind to the original dwelling, finish or locality. Therefore, the proposals would conflict with UDP Policy H2/3 and SPD6, paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the NPPF.

Residential Amenity -

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

- There are no residential properties to the front of the site and properties directly to the rear would be over 20m from the proposed development.

The development would have no proposed side windows.

- There would be over 10m from the rear elevation of the extensions to the rear boundary which would be in line with recommendations as set out in SPD 6.
- Given the land level differences between the property and the adjoining property,

the rear garden of No.29 Rainsough Brow may experience some over-shadowing. However, the extension would only project 3 metres along the shared boundary with this property and therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

The proposed extension would be acceptable and comply 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 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 extension is neither appropriate to, nor sympathetic with the existing structure, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan, Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties, Paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	26/01/2022		