

DELEGATED REPORT

Report by Amanda

Date of report: 02/11/2020

Ref:65899/FUL

Uhunmwagho

Registration: 01/09/2020

LDfC: 01/10/2020

Expiry Date: 27/10/2020

Site Visit: 08/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side, single storey extensions at front and rear. Loft conversion with front and rear dormers.

Location: 22 Winchester Avenue, Prestwich, Manchester, M25 0LJ

Description

The property is a two storey semi-detached house with a small walled garden to the front, with a hedge along the front boundary and a small private garden area to the rear. There is no existing on site parking.

Properties to the front on Winchester Avenue are over 20m from the front of the application dwelling but to the rear properties on Kings Road there is only approximately 14.5m to the original rear elevations of these properties.

The proposal is to build a two storey extension at side, single storey extensions at front and rear as well as a loft conversion with front and rear dormers. Measuring from the submitted plans, at the rear the flat roof single storey extension would project 6m along the shared boundary with no.24 Winchester Avenue, attached and it would measure a total of 7.5m wide. To the east side would be a Succah roof. The plans also show that the remaining garden space to the rear would be replaced with a patio.

The two storey side extension would be built flush to the existing rear elevation and would be set back from the front elevation by 1.5m. The side wall would be built up to the shared boundary with no.20 to the west and the roof would be pitched.

At the front there would be a single storey section projecting 1.3m forward of the existing front elevation and measuring 3.4m wide. The roof would be hipped.

The applicant also intends to erect a flat roof dormer to the rear extending across the whole of the roof as well as smaller pitched roof dormer to the front.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 09/09/20 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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

Visual Amenity -

With regard to the two storey side extension, the 1.5m set back from the original front elevation at first floor level mitigates against the impact of 'terracing' thus making it

generally acceptable within the streetscape.

Whilst the single storey extension has a flat roof and is extensive in that it covers much of the rear garden area, it would be not be so out of keeping with the existing house and neighbouring properties to warrant refusal on design grounds.

The front dormer is modest in scale and sits comfortably within the roof plane and is acceptable. Whilst the rear flat roof dormer is large and not particularly in keeping with the existing dwelling, it is just short of being 'permitted' under the current planning regulations. Given the 'permitted development' fallback, it is not considered that the rear dormer could be refused permission.

Although cumulatively, the extensions represent a serious overdevelopment of the residential plot, given that much of the new build is at the rear and not readily viewed from the public realm, on balance, it is not considered appropriate to refuse on grounds of design and visual amenity. As such, the proposal just about 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.

Residential Amenity -

Section 3, Paragraph 3.1 of Supplementary Planning Document 6 states the following;

A frequent problem with domestic extensions is when incompatible designs and materials are applied to a proposal, resulting in a poor relationship with the original building or street scene. Therefore, any application for a domestic extension will not normally be permitted unless the proposal:

- *Achieves a high standard of design and complements the original building by reflecting its design, massing, scale and finishing materials. Specific features, such as doors, windows and roof style and eaves, should particularly reflect the dwellings original shape, size, alignment and architectural integrity;*
- *does not have a detrimental does not have a detrimental impact on the character and appearance of neighbouring properties and general streetscene through poor design, siting or excessive bulk;*
- *does not significantly reduce the amount of daylight or sunlight enjoyed by neighbouring properties;*
- *does not reduce privacy through direct overlooking from windows, balconies or areas of raised decking;*
- *does not significantly reduce the amount of usable amenity space for the property or adjacent property to an unacceptable degree;*
- *has regard to the visibility of pedestrians, cyclists and drivers of vehicles;*
- *respects significant or prominent trees or other natural landscape features. Applicants should be aware that trees may be covered by a Tree Preservation Order or be within a Conservation Area and that the felling or lopping of such trees without the consent of the Local Authority is an offence;*
- *has reasonable regard to safety and security, including helping to design out crime;*
- *has regard to the adequate storage of refuse within the site; and*
- *has regard to energy efficiency and sustainability.*

The proposal, in particular the single storey rear extension, would leave very little useable private amenity space remaining within the rear garden area - less than 10sqm. It is therefore considered that the proposed development would result in over development of the site with an insufficient amount of private, outside amenity space remaining to the rear of the dwelling.

In addition to the above, the rear extension would project along the length of the shared boundary with no.24 Winchester Avenue to the east. Although this neighbour has not objected to the proposal, an extension projecting along the whole length of the shared

boundary would undoubtedly have a seriously detrimental impact on residential amenity to ground floor windows on the rear elevation of no.24 and its garden area.

With regards to the proposed dormers the front dormer would be a small pitched roof dormer and the room's use would be a shower room. With this in mind the window would be obscurely glazed and the separation distance to properties to the north would be acceptable in terms of SPD 6.

At the rear the distance to the rear boundary would be approximately 6m which would be less than what is stated in SPD 6. However, despite the sub-standard aspect standard distance to the rear boundary, it is noted that it would be possible for the applicant to erect a smaller rear dormer on the original roof under permitted development rules, providing it would be within the volume increase limits and dimensions and on the original roof. The question would be is would the additional width to the rear dormer result in a structure that would be seriously detrimental in terms of residential amenity at properties and land to the rear? It is considered that as the applicant would most likely be able to erect a dormer to the rear under permitted development rules, albeit smaller, the impact on residential amenity at properties to the rear would not be considered seriously detrimental and as such there would be no reason to refuse the proposed flat roof rear dormer.

Unfortunately, the proposed dormer would be erected over the proposed two storey side extension which means it could only be built at the same time as the two storey side extension. As the side/rear extensions are not considered acceptable in this instance, it would not be possible to award a split decision in respect of the dormers.

In terms of residential amenity, the proposal would be unacceptable and would not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 Alterations and Extensions to Residential Properties.

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 proposal represents serious overdevelopment of the site which is inadequate in size to accommodate the development whilst satisfying reasonable requirements for private amenity space about the dwelling. 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 The proposed single storey extension would be seriously detrimental to the residential amenity of the occupiers of the adjacent property (No.24 Winchester Avenue) by reason of its height and position along the shared side boundary. 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

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Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 02/11/2020.		DM	03/11/2020