

DELEGATED REPORT

Report by Amanda

Date of report: 21/04/2022

Ref:68037/FUL

Uhunmwagho

Registration: 01/03/2022

LDfC: 24/03/2022

Expiry Date: 26/04/2022

Site Visit: 08/03/2022

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: Loft conversion with rear terrace/balcony

Location: 57 Hawkstone Avenue, Whitefield, Manchester, M45 7PR

Description

The application relates to a two storey semi-detached house which is situated at the junction of Hawkstone Avenue and Standmoor Road. There is a garage attached to the side of the main dwelling with parking and a garden area to the front of the house. To the rear of the property there is a small garden which is triangular in shape as both side boundaries are angled in towards the rear of the site.

The rear elevation of the property is angled southwards towards the rear garden at no.55 Hawkstone Avenue next door. No.55 has a garage adjacent to the shared boundary and there are two windows to the side elevation. Both possibly to non-habitable rooms. There is a fence along the shared boundary and some planting. No.37 Standmoor Road, attached to the application property has been extended to the side and rear, including a roof extension. There is hedge along the shared boundary with this property screening ground floor views to and from the site.

The proposal is to create a loft conversion along with a balcony/terrace. Part of the roof would be altered so that access from the new loft room would be set back in order to create a larger balcony area at roof level. There would be no increase to the existing ridge.

Relevant Planning History

47942 - Single storey extension and pitched roof at side - Approve with Conditions 18/05/2007.

Publicity

Neighbours notified on 03/03/22 - 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 -

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 terms of visual amenity there would be no proposed changes to the existing ridge height or to the front elevation of the dwelling. As the terrace would be set back from the rear wall of the property it is likely that only the balustrade would be visible from rear gardens of the immediately adjacent properties. With this in mind there would be no significant detrimental effect on the character of the existing streetscape and as such the proposal

would conform 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 -

In terms of SPD 6 a separation distance of at least 7m would be required from a first floor habitable room window/balcony to a shared boundary. Where the development would be to the roof of a dwelling the expected separation distance to a shared boundary would be increased to at least 10m. In this instance there would be around 9.6m from the central point of the proposed balcony to the rear of the site and around 7m to the closest point of the shared boundary with no.55 Hawkstone Avenue to the south. The distance to the shared boundary with no.37 Standmoor Road, attached would be less than 7m. Therefore the proposed separation distances to the shared boundaries would be considered unacceptable in terms of SPD 6.

Given the height and close proximity of the balcony/terrace to the shared boundaries users of the area would have direct views over both adjacent properties which would result in an unacceptable reduction in privacy levels at these properties and as such cannot be supported.

In addition to the above the balcony would provide a large area of outside amenity space very close to the boundary with 37 Standmoor Road. The balcony would be in a raised position very close to a first floor bedroom window on the attached property. As well as overlooking concerns to the rear of 37 Standmoor Road any noise from people using the balcony/terrace would be considered detrimental in terms of residential amenity. Therefore its existence would be an un neighbourly and intrusive feature close to a habitable room and as such is unacceptable.

A smaller, Juliet style balcony may be acceptable in a similar position but this would require a new application to be submitted.

Taking the above in to account the proposal does not conform 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 shared boundaries with the adjacent 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 proposed loft conversion with rear terrace/balcony would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of the adjoining properties and their gardens by reason of the sub-standard distances from the proposed terrace/balcony to shared boundaries to the rear of the site. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document

6: Alterations and Extensions to Residential Properties.

- 2 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 37 Standmoor Road, by reason of the proposed balcony and its proximity to the first floor habitable room window on the rear elevation.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 21/04/2022			