

DELEGATED REPORT

Report by Amanda

Date of report: 27/11/2020

Ref:65997/FUL

Uhunmwagho

Registration: 01/10/2020

LDfC: 26/10/2020

Expiry Date: 26/11/2020

Site Visit: 05/11/2020

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Demolition of existing rear extension and side garage and erection of new two storey front and side extension and part single storey / part two storey front extension

Location: 7 Oakdale Close, Whitefield, Manchester, M45 7LU

Description

The property is a 1 to 2 storey detached house with a large flat roof section to the north side and a single storey extension to the rear. There are gardens to the front and rear of the dwelling. No.5 Oakdale Close to the south has previously been granted planning permission and that extension is almost complete. No.9 to the north has a garage adjacent to the shared boundary. There are three ground floor windows in the side elevation (one obscurely glazed) and an external door. At first floor level there is one obscurely glazed window.

The proposal is to demolish the existing single storey rear extension and side garage and then build two storey/single storey extensions to the front and side of the original dwelling.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 05/10/2020 - One objection received from the neighbour at 9 Oakdale Close. See comments below.

We have a concern regarding the building application for a 2 storey extension. We have 2 rooms (den & kitchen) with windows that face the side of the current garage and extension at number 7.

A 2 storey extension would severely reduce the amount of light into these 2 main living rooms in our house. Bringing the house forward would also block our den view of the street. In effect we would be looking out at a brick wall in both of these rooms. This could reduce the value of our property.

We have a window in our upstairs bathroom that also faces the side of No. 7, currently this is light capturing, unrestricted and private. The extension would inhibit the amount of natural light as well as possibly removing our privacy. We would welcome the modernisation of the property but not at the detriment of our living areas.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 its more modern design and materials the proposed development would change the

appearance of the building giving it a more contemporary feel. This would be very similar several other large developments along Oakdale Close, including number 5 next door. With this in mind the resulting structure would not appear out of keeping in the existing street scene.

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.

Residential Amenity -

To the front of the site properties on the opposite side of Oakdale Close would remain over 20m from the front of the extended property and at the rear no.4 Kibworth Close would be within 20m of the rear elevation of the extended property but given the extension would be over 10m from the shared boundary of this property this would be more than sufficient as set out in SPD 6, which says there should be at least 7m from a first floor habitable room window to a shared boundary. With this in mind there would be no concerns regards privacy. It is also noted that the first floor windows in the rear elevation of 4 Kibworth Close that would directly face where the extension would be built are obscurely glazed.

The rear elevation of the application property would not project beyond the rear elevation of no.5 to the south of the site. With this in mind there would be no detrimental impact on residential amenity at no.5 Oakdale Close to the south.

To the north, no.7 Oakdale Close has three windows to the ground floor of the side elevation adjacent to the shared boundary and one external door, along with an obscurely glazed first floor window. Plans on file from a previous pre-application enquiry at no.9 show that these windows are to a garage, study and kitchen at ground floor and it was unclear what room the first floor window serviced. However, the current owners of this property have advised in their objection that they have a den window and kitchen window and door to the ground floor and a bathroom to the first floor. They are concerned about light being obstructed to these particular rooms if the two storey extension is approved.

The existing single storey section of no.7 currently extends almost to the rear of the kitchen at no.9. If the extension at no.7 is approved then existing rear extension would be demolished and replaced with a patio area. This means that the side kitchen window and door at no.9 next door would become exposed and as such light to these particular openings would not be detrimentally affected by the proposed development. It is also noted that a kitchen is not classed as a habitable room and as such less weight is given to this room type anyway. The fact that the window in question is to the side elevation and is a secondary window to this room would give it even less weight in terms of determining the planning application.

Openings to the side elevation of a dwelling are generally given less weight in terms of Planning as usually habitable room windows are installed to the front and rear elevations where one would expect a view. A side elevation of one property is often directly adjacent to another and as such it would not be the norm to expect habitable room windows to be installed in this position.

There are two other ground floor windows to the side elevation of no.9 next door. One which is stated to be a den and an obscurely glazed one which is possibly to the garage. There is also an obscurely glazed bathroom window to the first floor. Although the neighbour has stated in their objection that the kitchen and den are to of their main living areas these rooms are not classed as habitable and as such less weight would be given to them in terms of the planning application. There is no doubt that light would be affected to these particular windows given that the site is directly south of the property, but as they are not habitable rooms there would be no reason to refuse the proposal.

The proposed extension would not project beyond the front or rear elevations of no.9.

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Taking all of the above in to account there would be no seriously detrimental effect on residential amenity at no.9 Oakdale Close.

To the front of the site the existing parking area would be extended across the front of the property to provide on site parking for at least three vehicles. Plan number P04 states that the drive way would be constructed using porous block paving and there would also be a drainage channel installed. With this in mind this part of the development could be undertaken under Permitted Development rules and as such would be acceptable in this instance.

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.

Response to neighbour objection-

The neighbour's comments have been addressed in the report above.

With regards to the comment that they would no longer have a view of the street from the den window, this is a side window directly facing an existing wall. Any actual views to and from this particular window are not directly out on to the street in front and are already obstructed by the existing side elevation of the application property. With this in mind and that this room is not a habitable room any detrimental impact on light and/or views to this room would not have any bearing on the decision.

Concerns regarding the impact to the value of the property is not a Planning consideration and would also not have any bearing on the decision.

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 P01, P02, P03, P04, P05, P07 and P08 received on 24/09/2020 and revised proposed drawing numbered P06B received on 26/11/2020 as modified by the email from DaC Design dated 26/11/2020. 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.

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<u>Case Officer</u> AU - 27/11/2020	<u>Date</u>	<u>Sign off Officer</u> DM	<u>Date</u> 30/11/2020
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