

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 04/03/2022

Ref:67962/FUL

Registration: 10/01/2022

LDFC: 10/02/2022

Expiry Date: 07/03/2022

Site Visit: 21/01/2022

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:

Stat Class: HOUS

Proposal: Single storey rear/side extension; Hip to gable loft conversion with rear dormer, side window and Juliette balcony; Installation of rear first floor and second floor Juliette balcony; Formation of parking area at front; New boundary fencing

Location: 161 Bury New Road, Prestwich, Manchester, M25 9PJ

Description

The application relates to a two-storey semi-detached house on the A56. To the rear is a detached garage in very poor condition with unsafe roofing. The attached neighbour has a single storey rear extension and the dwelling on the other side is as originally built. The neighbours to the rear have trees and shrubs on the boundary.

Planning permission is sought for:

- Gable roof extension to accommodate loft conversion with dormers at front and rear.
- Single storey rear extension with flat roof that would infill the area between the outrigger and the shared boundary but within the outrigger building line.
- Single storey side extension with monopitch roof
- Installation of first floor Juliette balcony at rear first floor bedroom and second floor rear dormer bedroom.
- Formation of parking area with grasscrete paving at front.
- New boundary fencing 2m high between the rear outrigger and an existing boundary wall.

Materials would match existing, and there would be large patio doors on the rear elevation. The detached garage would be demolished to make space for a family size garden. There would be a separation of 12.1m to the rear boundary which has extensive tree and shrub planting.

Relevant Planning History

67435 - Loft conversion/roof extension with dormers at front and rear; Single storey rear extension and installation of first floor Juliette balcony at rear; Formation of parking area at front and new boundary fencing - Refused 21/12/2021.

Publicity

Immediate neighbours notified by letter dated 20/01/2021 sent to 11 neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to on-site facilities for the storage of construction materials and revised car parking arrangements.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - UDP Policy H2/3 and SPD 6 seeks 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 design and appearance the extension is generally in-keeping with the existing house. Situated largely at the rear, the extension would not be readily visible from the public arena, with the exception of the small front dormer, single storey side extension, and new parking space at the front. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

The small front dormer is considered to be of an acceptable size, scale, and sitting in this position facing a public highway. The second floor plan (loft conversion) includes a Juliet balcony and would face out across the rear garden, and has designed so that the roof is 0.2m below the main roof pitch, set in from the rear wall by 0.4m and set in from the sides by 0.3m.

The proposed new 2m high timber boundary fencing would be approximately 3m long and placed between the rear extension and the existing boundary wall. It is considered to be a design appropriate for a residential area. In this respect the overall extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 12m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension appears to be acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. In terms of the unattached neighbour there appears to be no impact, while the toilet/bathroom windows on the side elevation will have obscure glazing. Additionally, the originally proposed large side hallway windows have been reduced in width to reduce their prominence, whilst still allowing natural light to enter the property.

In terms of the general prominence and impact on daylight the ground floor extension is set off the shared side boundary and is to the north of Nr.159. The roof extension would have an impact on part of the rear garden of Nr.163 in the morning, however any overshadowing would not be seriously excessive above and beyond the existing situation.

As such the proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal includes the provision of an additional new parking space (there would be two spaces in total) at the front of the property that would measure 7.4m by 3m and be parallel to the existing driveway with no direct access from the public highway. This parking space will be built with Grasscrete paving and be separated from the boundary wall by approximately 0.5m therefore protecting the existing street lighting.

As such the proposed extension would be acceptable and complies with UDP Policy HT2/4 Car Parking and New Development, and SPD11 Parking Standards in Bury.

The side extension has been designed such that even if the neighbour was to have their own side extension at a later date, there would remain 0.94m width to allow movement of bins to/from the driveway.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. It is considered that the proposed development complies with UDP Policies H2/3, and associated guidance in SPD6, plus UDP Policy HT2/4 and associated guidance in SPD11.

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 (dwg no. 04B), (dwg no. 05B), (dwg no. 06), and (dwg no. 08) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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 toilet/ bathroom windows on the 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.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason: To maintain the integrity of the adopted highway and ensure adequate off-street materials storage arrangements for the duration of the construction period, in the interests of highway safety, pursuant to policy HT2/4 - Car Parking and New

Development of the Bury Unitary Development Plan.

- 6 The revised car parking arrangements shown indicatively on approved plan reference 08 Revision A, incorporating the retention of the existing access and boundary treatment to serve the proposed lay-by and existing driveway and widened driveway/lay-by in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be made available for use to the satisfaction of the Local Planning Authority prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.

Reason: To secure the satisfactory development of the site, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway, pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	04/03/2022		