

DELEGATED REPORT

Report by Amanda

Date of report: 01/07/2022

Ref:68050/FUL

Uhunmwagho

Registration: 15/02/2022

LDFC: 11/03/2022

Expiry Date: 12/04/2022

Site Visit: 22/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Proposed rear two storey extension, loft extension and raising of ridge height; Dormer extension at rear

Location: 52 Watkins Drive, Prestwich, Manchester, M25 0DS

Description

The application relates to a two storey semi-detached property on Watkins Drive, Prestwich. It is situated within a short row of four properties (two pairs of semi-detached homes). Numbers 48 and 50 Watkins Drive have a traditional pitched roof design whilst numbers 52 and 54 Watkins Drive have a very different style with a longer cat slide type roof to the front sloping up to the rear of the properties.

There is a small front garden with on street parking to the highway in front. At the rear of the property there is an existing conservatory and patio area directly to the rear of the building with a small garden area to the rear. There are fences and planting to all rear boundaries.

The proposal is to build a two storey rear extension with a flat roof dormer. The ridge of the existing dwelling would also be increased by extending the existing roof slope towards to the rear of the building. The overall height of the building would increase by around 700mm. At the rear the extension would project a maximum of 2m from the original rear elevation and it would measure 5.47m wide. Along the east boundary with no.54 the extension would be positioned 220mm from the shared boundary as shown on the proposed plans and the rear corner of the wall would be chamfered at a 45° angle away from the shared boundary.

The dormer would be set in from the east side of the extension by approximately 760mm and it would measure 4.4m wide. The roof would be flat and it would be set down from the new ridge.

Relevant Planning History

N/A

Publicity

Six neighbours notified on 17/02/2022 - one objection received. A summary of their objections is listed below;

- The bulk of the proposed extension would obstruct the open outlook to the west and south of the rear of the property as well as part of the garden.
- The extension would overshadow the rear of 54 Watkins Drive and garden. The only rear facing window to the living room would be significantly overshadowed.
- The two storey side elevation would be built within 3m of the living room window of their property.
- Planning guidance (5.2) states, "particularly where an adjoining property has not been extended at ground floor": "...where the extension would be on or adjacent to the

boundary of another dwelling it should not normally project in excess of 1 metre from the rear wall of the neighbouring property." The extension would project more than 1m along the boundary.

- The 45° rule would be compromised as would the 25° rule.
- The construction of these semidetached houses is not particularly sound proof, and tenants have previously commented that the sound of activities in the adjoining house is noticeable. Increasing the sleeping accommodation by two thirds, adding a further staircase and bathroom, and an additional ground floor room is likely to result in significantly increased activity and associated noise.

Following discussion with the agent revised plans were submitted on the 19/05/2022 reducing the projection of the two storey rear extension and dormer. The objector was emailed the revised plans on 19/05/2022. A summary of their further comments is listed below;

- The 45° calculation doesn't appear to have been done correctly. The ground floor window of 54 Watkins Drive is not shown on the proposed revised drawing and the calculation has been taken from the first floor window. They feel this still breaches the 45° rule and it would result in overshadowing by the proposed extension.
- The revised plans do not effectively address the Council's guidance in terms of where an extension would be on or adjacent to another dwelling stating an extension should not normally project more than 1m from the rear wall of the neighbouring property. The revised plans reduces the projection of the extension to 1m along the boundary but the bulk of the project would still project more than 1m.
- The revised proposal would still significantly overshadow their rear living space and part of the garden, affecting daylight at all times and depriving them of afternoon sunshine which they have enjoyed since the property was built.

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.

The majority of the proposal would be to the rear of the existing dwelling and as such would not be readily visible in the public realm. The extension and dormer would be built with materials and a design that would be considered acceptable in this location.

Watkins Drive consists of many different styles of properties which include detached and semi-detached properties, short terraces and apartment blocks. Some of the semi-detached and terrace properties have been built with a traditional pitched roof design whereas some have a different design in that there is a longer 'cat slide' type roof to the front of the dwelling with a shorter pitch to the rear.

The pair of semi-detached houses to the west of the site have a traditional pitched roof style and there is an apartment block to the east. The application property and no.54 Watkins Drive, attached, have the longer roof pitch to the front of the buildings. The applicant proposes to increase the ridge height of the property by extending the existing roof pitch backwards. With this in mind as viewed from the highway in front the appearance of the property would not be significantly altered. In addition there is a row of terraced properties along Watkins Drive that have roof levels which are stepped down from one another.

Looking at the 3D image that was submitted on 23/06/2022 and taking in to account the row of properties that the site is situated within is only a short row of four properties the increased ridge height would not be overly visible in the street scene and there are no long range views of the property from the highway to the east or west.

Directly to the front of the site is a high embankment. There would be some views of the site from the rear gardens of properties along Edgware Avenue above but given the much lower land level of Watkins Drive compared to these properties the increase in the ridge height would not have any significant detrimental impact on the current streetscape along Edgware Avenue to the north of the site.

In terms of the impact on the existing streetscape along Watkins Drive the site is positioned in a short row of four properties with different types of properties along Watkins Drive where views of the property are limited. With this in mind it is considered that the proposed ridge height increase would not have any significant detrimental impact on the character of the streetscape and the design of the proposal is considered to be in keeping with the existing building.

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 -

- Properties to the north of the site on Edgware Avenue are significant raised compared to the site and they are more than a sufficient distance from the site not to have any significant detrimental impact on residential amenity.
- The rear extension and dormer would not project beyond the rear elevation of no.50 Watkins Drive to the west of site and there would be no new windows in the side elevation facing this property.
- Properties to the rear (south) of the site would be a sufficient distance away from the proposed rear extension/dormer and there would be 8m from the rear elevation to the rear boundary. There appears to be a lot of planting to the rear garden of the property to the north and there is an access path in between the site and the rear garden of that property. As such the separation distance would be considered acceptable.
- With regards to no.54 Watkins Drive, attached to the east this property has a set of patio doors directly adjacent to the shared boundary with the site. The patio doors serve a living area of the property which appears to also have a window to the same room on the front elevation of the dwelling. Revised plans received on 01/07/2022 show that the extension would project 1m adjacent to the shared boundary, at which point the 45° rule has been applied and the corner of the wall would be chamfered away from the shared boundary.
- The extension would also be around 220mm away from the shared boundary with this property. As such there would be no concerns regards encroachment over the boundary with 54 Watkins Drive.
- Given the position of the application dwelling being west of no.54 there may be some detrimental impact on light to the rear of this property in the later part of the day but given that the 45° rule would be satisfied it would not be sufficient enough to warrant refusal.
- In addition to reducing the projection of the two storey extension the revised plan also shows that the dormer would be reduced in size and positioned further away from the shared boundary with no.54. As such this part of the development would not have any significant detrimental impact on residential amenity at no.54 Watkins Drive. The 45° rule would be satisfied with regards to the proposed dormer.

Taking the above in to account 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 residential amenity including the 45° from nearest relevant window of the adjacent property.

Parking -

The proposal would increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then

require the proposal to provide a maximum of 3 parking spaces. However the site has no existing on site parking. They currently use the highway in front for any parking. This would remain as such once the extension would be completed. The area has ample on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Response to objection -

The objection received was regards the impact of the development on the residential amenity to the rear of the attached dwelling. These concerns have been addressed in the form of revised plans, received on 01/07/2022, which reduced the projection of the rear extension and the 45° rule was applied in order to satisfy the requirements as set out in SPD 6. Although it is accepted that the development may have some detrimental impact on light to the rear of the attached dwelling the proposed development would be built within the parameters as set out in SPD 6 and therefore does not warrant refusal.

The objector noted that the 45° rule as shown on the revised plan is incorrect as it shows the 45° line being taken from the first floor window and not the patio doors at ground floor level. However, the calculation has been done correctly. The plans show that the agent has measured 1m along the shared boundary from the rear elevation of the attached neighbour and then the 45° rule has been applied.

The neighbour also expressed concern about additional noise from the dwelling due to the additional staircase and bedrooms. Although this is a valid concern it is not a Planning concern and therefore would not have any bearing on the decision. If users of the attached property have any noise pollution concerns in the future they would need to contact the appropriate department at the Council, possibly the Environmental Health team.

Revised plan received 01/07/2022 -

Following receipt of the previous revised plans it was found that the dimensions noted on the floor plans were inconsistent with dimensions on the proposed site plan. The agent rectified the plans to show the correct dimensions and that the side elevation would be built 220mm away from the shared boundary with no.54 Watkins Drive next door. The plans were amended to show this and re submitted. Given that there were no other changes to the revised plans there was no need to notify the objector again.

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 drawing numbered JC_100_A1.1 received on 16/02/2022 and revised drawings numbered JC_100_A1.2_PL7 and JC_100_A1.3_PL7

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received on 01/07/2022 as modified by the email from JC Design dated 01/07/2022. 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.

- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU 01/07/2022			