

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 11/08/2022

**Ref:**68275/FUL

**Registration:** 19/05/2022

**LDfC:** 21/06/2022

**Expiry Date:** 14/07/2022

**Site Visit:** 15/06/2022

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 3

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Front Porch; Hip to gable roof extension and Rear dormer extension

**Location:** 512 Manchester Road, Bury, BL9 9NZ

**Description**

The application relates to a two-storey semi-detached house on a the A56. There is a single storey extension at the rear albeit slightly narrower than the main house, plus an existing two-storey side extension with a flat roof. The latter has no records in the planning system but appears have been built around 20 years ago and therefore not subject to enforcement. The attached neighbour at No.510 has a single storey extension at the rear and the neighbour that projects a similar extent, while the unattached neighbour at No.514 has a smaller rear single storey extension. All three properties have hipped roofs although other gable roofs exist within the streetscene. The rear garden is entirely decking, while the front garden is entirely tarmac.

Planning permission is sought for:

- A gable roof extension to accommodate a loft conversion and dormer at the rear with roof slightly lower than the main pitch plus three rooflights at the front.
- Front porch extension 4.29m wide to include a canopy pitched roof 4m high. The porch would project 1.1m and the canopy by a further 1.1m (2.2m in total).
- Driveway redesign to create two perpendicular parking spaces (one at an angle), plus a soft landscaping area on the RHS.

Materials would include for the porch: white fascia boards, and roof in traditional slate. For the dormer the materials would include single ply membrane, white pvc boards, and black pvc rainpipes.

There are no new side windows proposed except two side windows (lounge) for the proposed front porch. There would be a separation of 14.7m to the rear boundary, although there is no boundary treatment proposed.

It should be noted that the applicant has already commenced construction foundations of the front porch including concrete/ breeze blocks although construction appears to have stopped at the time of the site visit.

The application form description includes a request for Certificate of Lawfulness which related to the two-storey side extension. Given that this appears to have been constructed prior to 4 years ago, it is therefore considered that the Certificate of Lawfulness for the side extension is valid.

**Relevant Planning History**

43201 - conservatory at rear - Approved 2004

45094 - conservatory at rear - Approved 2005

**Publicity**

Immediate neighbours notified by letter dated 30/05/2022 sent to 6 (six) neighbours. Three objections were received.

Objections -

Concerns are summarised below:

**Visual/ Design**

- Front porch is disproportionate, forward of the front elevation and diminishes the street scene.
- 5/6 bedroom house excessive for the size of the property.
- Overwhelming, not sympathetic, and not subservient to the host building.
- The house already had several extensions.

**Residential Amenity**

- Front porch will drastically affect privacy
- Front porch which will adversely affect current view.
- Third-floor dormer extension will mean rear garden will be totally overlooked leaving me with no privacy.
- Gable wall will reduce the daylight.
- Adversely affect privacy.
- It will allow a bird's eye view over several gardens.

**Parking**

- Front porch doesn't leave enough space for the 3 cars that regularly park there, one always encroaching onto the pedestrian highway.

**Other**

- All walls have been removed. Is the building strong enough for the dormer?
- The concrete pad already constructed without permission is excessive & dictates that 1 of the 3 cars at the property overlaps the pedestrian highway.
- How will development be constructed/ maintained/ cleaned without access.
- Building line is incorrect, the 2 storey extension was built on the boundary.
- Out of place.
- Beginning to resemble an HMO property.

Relevant concerns of the neighbours have been addressed in this report.

**Statutory/Non-Statutory Consultations**

Traffic Section - Considers that the proposed development could potentially be improved to meet requirements.

**Pre-start Conditions**

N/A

**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.

## **Submitted plans**

Errors have been identified on the plans. The ground floor plan as submitted is misleading and does not accurately reflect the shape of the existing rear extension, which shown on some plans as being larger than in reality and would give the false impression that a larger ground floor extension is being approved. Additionally, the proposed front porch has a projection of 1.19m on the proposed site plan, but a projection of 2.2m on the proposed floorplan. Similarly, the existing driveway length has been given as 7.13m but was measured on site as being 8.72m which has a significant impact on space for the proposed car parking. Overall, it is considered that this conflicting information makes it difficult to

conduct an accurate assessment of the development proposal.

**Visual amenity**

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extensions would be generally in-keeping with the existing house and surrounding streetscene.

Situated at the front, the proposed porch/canopy extension would be readily visible from the public arena, and although the original plans showed an overly dominant porch design, the revised plans suggest that the scale may have been reduced in size showing a proposed width that may now be considered subservient to the main house and sympathetic with the wider streetscene. However, it is not possible to make an accurate assessment of the porch projection due to inconsistencies on the plans as discussed above.

Situated at the rear, the proposed dormer extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property.

Materials would include for the porch: white fascia boards, and roof in traditional slate. For the dormer the materials would include single ply membrane, white pvc boards, and black pvc rainpipes. These are considered to be acceptable materials for this type of property and location.

It is noted that the existing two storey flat roofed side extension was built sometime ago without planning permission. Nevertheless, this new proposed extension would include a gable roof above the two-storey side extension plus a continuation of the ground floor monopitch roof along the front elevation and above the porch extension. It is therefore considered that the overall development would be an improvement on the current situation.

Overall, the proposed extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

**Residential amenity**

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, the 15.1m separation distance from the proposed dormer windows to the rear boundary is considered to be acceptable and complies with adopted guidance in SPD6.
- The proposed single-storey porch extension is acceptable in relation to both neighbours as it would not project in excess of 2.2m at the front and the side windows would be conditioned to have obscure glazing. As such, the proposed extension would not have an adverse impact upon the amenity of No.514 (unattached) or No.510 (attached).
- In terms of the general prominence and impact on daylight the proposed single storey porch extension is to the north of No.514, while the proposed dormer extension is entirely within the existing building line and to the south of No.510. The proposed dormer extension would have some impact on part of that neighbour's rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the proposed extension would not have such a serious impact on the outlook from either neighbour to warrant refusal.
- The applicant has submitted Certificate A and there is no proposed development encroaching on the boundary.

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

### **Highways**

The proposal would also increase the number of bedrooms from 5 to 6 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. Existing on-site parking provides 1 car space, and on-street parking is very difficult to due to close proximity to a junction and parking restrictions.

The proposed front porch extension that would effectively reduce space for car parking at the front of the property, reducing the driveway from 8.72m to 6.52m. The gateway would be 4.3m wide but with no changes to the dropped kerb, and is therefore not considered wide enough for 2 car spaces.

Given the situation it is considered that there should be two parking spaces within the curtilage of the property and that the proposed parking arrangements are sufficient to meet this requirement. The LPA contacted the agent to request evidence of projected tracking of vehicles so that a parked vehicles does not block another vehicle, however this has not been provided.

The proposed extension would not be acceptable and fails to comply with UDP Policy HT2/4 and associated guidance in SPD11.

### **Other issues**

During a site visit it was considered that this appears to be a family home and there is no evidence to suggest the property is being used as an HMO. Any concerns with this regard should be referred to the council's enforcement team.

### **Conclusion**

In consideration of the above, it is considered although the overall development proposal appears to be an improvement on the current dwelling, nevertheless the proposed development would not be acceptable due to inconsistent details on the plans and due to the inadequate parking arrangements. It is considered that aspects of the proposal could be reasonably improved but that insufficient information is available to make an accurate assessment. As such, the proposed development is therefore considered to be unacceptable and fails to comply with UDP Policies H2/3 with associated guidance in SPD6 and HT2/4 with associated guidance in SPD11.

### **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 application and submitted plans contain insufficient information and conflicting dimensions to enable them to be properly assessed.

**DELEGATED REPORT**

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| SGR 11/08/2022      |             |                         |             |