

DELEGATED REPORT**Report by** Amanda**Date of report:** 31/01/2022**Ref:**67824/FUL

Uhunmwagho

Registration: 10/12/2021**LDFC:** 07/01/2022**Expiry Date:** 04/02/2022**Site Visit:** 14/01/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 3**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS

Proposal: Two/single storey extension at side/rear with juliet balcony and basement level extension at rear; Raise roof ridge height/roof extension with loft conversion and rear dormer; Erection of outbuilding at rear; Alterations to parking and new boundary fence at side/rear

Location: 27 Rainsough Brow, Prestwich, Manchester, M25 9XW

Description

The application relates to a two storey end of terrace house with a small front garden fronting on to Rainsough Brow and a larger rear garden accessed via South Row at the rear. There is a large drive way to the rear garden and there are fences to all boundaries.

The proposal is to extend the property with a two/single storey extension at the side/rear of the main dwelling with Juliet balcony along with a basement level to the rear. They also intend to raise the ridge height which would include a loft conversion and rear dormer. There would be a new outbuilding to the rear garden and alterations to the parking area. A new boundary fence would also be erected to the side/rear.

At the rear of the property the ground floor level extension would project 6m from the original rear elevation and it would measure 7.71m wide. The roof would be flat. The first floor extension would be built over the same footprint as the ground floor and the plans show that there would be sliding patio doors opening on to the flat roof of the extension below. The first floor extension would also have a flat roof.

The ridge of the roof would be increased by 1m and there would be a flat roof dormer to the rear which would have 2 Juliet balcony style windows. The proposed outbuilding would measure 6.78m x 3.58m and it would have a pitched roof. As well as the new outbuilding there would be a new parking area created to the rear of the property.

Relevant Planning History

67153 - Two storey part rear/side extension + Basement + Loft Conversion Dormer Roof Extension and outbuilding - Withdrawn - Invalid 01/10/2021

Publicity

Immediate neighbours notified on 14/12/2021 - Three objections received from nearby neighbours relating to the following issues:

- Noise during building works would be very disruptive whilst they are working from home.
- The balconies would mean users could overlook their gardens which would reduce the value of their home.
- Parking in the area is already restricted. They feel that if the development is completed

Statutory/Non-Statutory Consultations

Traffic Section - The Traffic section has objected to the proposal on the grounds that the

submitted plans contain insufficient information to enable the physical impact of the proposed extension, basement and outbuilding on the adopted highways that abut the site to be properly assessed.

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.

Visual amenity and Design 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 proposals are located next to a public footpath and therefore is readily visible to the public arena. Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

- the existing built development, including layout, form, scale, appearance, details, and materials;

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The extensions to the rear/side of the original dwelling would be extensive on the rear of this property which is fully exposed to the public area at the front and rear of the site. At the front the proposal to raise the eaves height would be considered not in-keeping with other properties in this row of terraced homes.

At the rear the large, three storey development with flat roofs at all levels would be a very modern addition to a relatively small, traditional style house. It would not be considered in-keeping with the original dwelling or with adjacent and nearby dwellings. It is considered that it would have a seriously detrimental effect on the character of the existing street scene.

Overall the proposals represent an incongruous collection of extensions with no homogeneity of design and pays no mind to the original dwelling, finish or locality. Therefore the proposals would conflict with UDP Policy H2/3 and SPD6, paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the NPPF.

Residential Amenity -

There are no residential properties to the front of the site and properties directly to the rear would be over 20m from the proposed development.

There would be over 10m from the rear elevation of the extensions to the rear boundary which would be in line with recommendations as set out in SPD 6.

Given the land level differences between the property and rear garden the side elevation adjacent to no.29 Rainsough Brow would be around 4.13m high and the side wall would be built approximately 320mm away from the shared boundary. If the extension would be built it would result in a large expanse of brick wall along the boundary part of the extension would project 6m along the boundary which would overshadow a lot of the rear garden at no.29. It is noted that the 45° degree rule would be compromised with regards to no.29 next door and as such the extension would not conform to Bury UDP Policy H2/3 or SPD 6.

The roof above the single storey extension is shown as being flat with a short wall to all sides. Drawing A104 Rev P1 shows that the first floor bedroom would have patio doors opening up on to the roof area which could be potentially used as a balcony. Users of this area would have direct views over some of the neighbouring gardens given sub-standard separation distances which would be unacceptable in terms of SPD 6.

Taking the above in to account the proposal does not conform to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of the sub-standard aspect distances to neighbouring properties and its projection and height along the shared boundary with 27 Rainsough Brow next door.

Other Issues -

The extensions and out building would be built very close to the footpath at the side of the property/garden and the highway to the rear. There are no foundation details shown on the plans and as such it is not clear whether there would be any encroachment on to the highways. As such it is deemed that the plans contain insufficient information with regard to levels on site, foundations for the extensions and outbuilding and their impact on the adjacent highways and also details regarding the proposed drive way to the rear of the property. As such the application contains insufficient information to properly assessed.

Response to neighbour objections -

Concerns submitted from the neighbours have been addressed in the report above.

With regards to comments about disruption during any building works. Some level of disruption is to be expected when development takes place. However, if any concerns arise during the building process the member of the public would be directed to the relevant department to investigate. If the matter would be considered a civil matter they would need to discuss that with the applicant directly.

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 design of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan, Supplementary Planning

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Document 6 - Alterations and Extensions to Residential Properties, Paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the National Planning Policy Framework.

- 2 The application and submitted plans contain insufficient information to enable the physical impact of the proposed extension, basement and outbuilding on the adopted highways that abut the site to be properly assessed.
- 3 The proposed roof top balcony would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of the adjacent properties on Rainsough Brow and also properties on Kersal Road to the north east of the site by reason of sub-standard aspect distances to these properties. 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.
- 4 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of the adjoining dwelling house, by reason of its size and position along the shared boundary. 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 - 31/01/2022			