

22nd April 2024



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Dear Planning Team

Re: Prestwich – No 56 Windsor Road, M25 0DE
Householder planning application for extensions and alterations to existing dwelling

Background

We act on behalf of Raj Singh and have been instructed to submit a householder planning application which seeks consent for the following works:

- A loft conversion with rear dormer extension (to be encased in matching tiles);
- Two storey extension at side;
- Addition of window to side elevation, and
- Two storey extension at rear with amendment to balcony.

The development proposal has been informed by the Council's assessment of the previously refused applications relating to the site (Ref 69064/FUL and 69976/FUL) as summarised in further detail within the Planning History section below.

Most notably, the application seeks to retain the rear dormer 'as built' with the addition of matching external tiling to the side elevation to ensure that it will appear as a separate, subservient addition to the host dwelling and address the previous concerns of the Council.

The revised application was submitted via the Planning Portal on 2nd April 2024 and comprises the following:

- Completed planning application forms, and
- Drawings package comprising site location plan, site block plan, existing and proposed floor plans/elevations (prepared by BM Architectural Designs).

In addition to the above documentation, this cover letter provides a detailed assessment of the key planning issues and should be taken into consideration in the determination of the planning application.

Site and Surroundings

The property is a bay fronted extended semi-detached house. The front garden is all hard surfaced providing parking and to the rear is a fenced garden. The adjoining property is No.58 and has a patio door to the party wall side with a lean to roof over and is then extended two/single storey.

To the opposite side the site borders the rear of Nos 48 & 50 Edenfield Road. No.50 has a drive and detached garage alongside the side of the site. These two neighbouring properties are at a slightly higher level. The rear site boundary borders the rear garden to No 47 Windsor Crescent which sits with its side elevation facing. Please refer to the extract of the site location plan and photographs below.



Image 1 – Extract of Site location plan.



Image 2 – Photograph of front and side elevation from Windsor Road.

Planning History

The Site

Application Ref 69064/FUL was to retain the rear dormer 'as built'. The Council refused this application on the 13th January 2023 for the following reason:

- *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 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.*

According to the delegated report (refer to **Appendix 1**) the proposed development was deemed by the officer to have a negative effect on the dwelling, finish and locality.

Page 3 of the delegated report confirms that:

"Originally the existing two storey side extension had a flat roof. Approval 66998 was to extend with a pitched roof forming a side gable wall. The dormer was to be flat roofed, set in from the gable wall, and the dormer walls tile hung. It is now proposed, and works have commenced and are almost completed, for the dormer to have a flat roof and the wall built up as part of the brick side gable wall. This element of the proposal is considered to be unacceptable appearing as a three storey flat roofed extension out of character and as an intrusive feature and in the street scene. It would be a development poor in its design and relationship with the existing house and on a site which is located in a prominent position."

To respond to the Council's previous concerns, we propose to introduce external tiling to the side elevation of the as built rear dormer. As demonstrated on the proposed elevation plans, this amendment will ensure that the rear dormer will appear as a separate, subservient addition to the host dwelling in visual terms (as opposed to the current appearance as an extension of the brick side gable wall which results in a harmful impact upon the host property and streetscene).

Also relevant to this case is the most recent application at the site (Ref 69976/FUL) which sought consent for the following works:

"A loft conversion with rear dormer extension. two storey extension at side, addition of first floor window to side elevation, two storey extension at rear with amendment to balcony, new cladding to front elevation and installation of 2 ventilation mechanical intake extract units to the side elevation."

The application was validated on 18th September 2023 and subsequently refused by the Council on 13th November 2023 for the following reasons:

- *The cladding to the front elevation is neither appropriate to, nor sympathetic with the existing building, and would be seriously detrimental to the visual amenity of the area. 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.*
- *The proposed extraction units would, by reason of their size, position and design, be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area. 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.*
- *The proposed extraction units would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 50 Edenfield Road, by reason of their position adjacent the 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.

In determining the application for refusal, the Council confirmed that all other aspects of the proposed development (namely the loft conversion with rear dormer extension, two storey extension at side, addition of first floor window to side elevation and two storey extension at rear with amendment to balcony) were acceptable.

Accordingly, the revised scheme which forms the basis of this application omits the aspects of the scheme that the Council considered unacceptable (namely the front elevation cladding and extraction units) given that these form the subject of a separate appeal Ref APP/T4210/D/24/3338142.

Planning Policy

Bury Council's Development Plan comprises the saved policies of the Unitary Development Plan (2006) and the Local Plan (2018). The policies relevant to the determination of the application are set out below.

Unitary Development Plan (1997)

Policy H2/3 (Extensions and Alterations)

The policy advises that applications for house extensions and alterations will be considered with regard to the following factors:

- The size, shape, design and external appearance of the proposal;
- The character of the property in question and the surrounding area;
- The amenity of adjacent properties; visibility for pedestrians, cyclists and drivers of motor vehicles.

The policy seeks to ensure that extensions and alterations to residential properties are of a high standard. Extensions and alterations to dwellings, including garden extensions and garages, can be visually intrusive, restrict daylight, privacy and outlook to neighbouring properties and unacceptably reduce the available garden area.

Accordingly, the Council consider it necessary to adopt standards to control the design, form and size of proposed extensions and alterations to ensure that they are sympathetic in nature with the original building and surrounding area.

Supplementary Planning Document: 6 – Alterations and Extensions to residential properties (January 2020)

This supplementary planning document provides specific guidance relating to the extensions of domestic properties, as summarised below.

TwoStorey side extensions

- To avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original house;
- In cases where there would be a gap to the side boundary, a lesser set back would be acceptable where the set back and gap remaining to the boundary total 1.5m, the requirement for a setback at the front may be relaxed in other instances e.g:
 - i. On corner sites;
 - ii. On very short rows of houses;
 - iii. Where a property is adjacent to an area of 'open space';

- iv. Where there is a very irregular building line along the street;
 - v. Where there are significant ground level differences; and
 - vi. Where adjacent properties are of significantly different styles (e.g. bungalows next to houses).
- Flat roofed extensions will not be permitted unless they reflect the style of the existing property;
 - On corner plots, extensions will normally be required to occupy not more than half of the available width of the side area or to leave a minimum of 2m from the boundary with the public highway to the side. However, a lesser setback may be acceptable where the site is well screened or where the prevailing pattern of development in the locality is typified by relatively shallow frontages; and
 - Where properties are staggered, extensions will not normally be permitted where they would encroach beyond a prescribed line that is determined by a 45° angle from the mid-point of an adjacent property's rear principal window to a habitable room.

Two storey rear extensions

- 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. Beyond the 1 metre point the extension should not encroach beyond a 45° angle taken from the boundary at the 1 metre point (see diagram below);
- For detached properties the 45° line will normally be taken from the mid-point of the closest ground floor habitable room window however consideration will also be given to the impact to any outside amenity space in terms of overshadowing and overbearing development;
- Flat roofed extensions will not normally be permitted; and
- Side windows to habitable rooms should be avoided to prevent overlooking unless they are high level or obscure glazed.

Dormer and Roof Extensions

- Flat dormer roofs should be avoided, unless considered more appropriate to the particular building or the street scene;
- Dormers which wrap around the side ridges of a hipped roof are not acceptable;
- Materials should match the existing roof material, unless considered more appropriate to the particular building or the street scene;
- Dormers facing a highway should not occupy a disproportionately large portion of the roof. In addition, they should be set in at least 0.5 metres from side/party walls and set back at least 1m behind the main wall;
- Dormers with pitched roofs should not project above the original ridge line. In all other cases the roof of the dormer should be 0.5 metres or more below the main ridge line;
- Dormer windows should seek to line up vertically with existing windows and match their style and proportions;
- Any dormer which results in undue overlooking of a neighbouring property will be unacceptable and dormers will be expected to maintain normal aspect standards;
- Conversion of existing flat roofs to pitched roofs is generally considered acceptable; and

- Proposals to increase the height of a house or bungalow by extending the roof can appear incongruous and will be assessed on its impact on the character of the street scene and amenity of neighbours. In these cases a street scene elevation will be required to show the impact of the increased ridge height on the character of the area.

Planning Issues

Principle of Development

The site relates to an existing dwelling located within an established residential area. As such, the principle of extending the property is acceptable provided that there will be no adverse impact upon the amenity of the occupiers of any neighbouring properties or upon the visual character of the local area or streetscene.

Design

As summarised above, the application seeks consent for a range of extensions that will respond in a positive manner to the visual character and appearance of the street scene.

The character of an area is reflected in the layout, massing, scale, height, style and materials of buildings and the spaces around them. Any extension or alteration to a property should:

- Respect the form, shape, symmetry and proportions of the existing dwelling and compliment the character of the surrounding area.
- Generally, appear subordinate in relation to the existing dwelling in terms of massing, scale and overall appearance, and
- Respect the architectural integrity of the existing dwelling. External materials and finishes should be durable and of good quality. They should be visually appropriate for their surroundings and sympathetic in terms of colour, texture and detail in relation to the existing dwelling. Special attention should be given to matters such as siting, scale, height, massing, detailed design and appropriate use of materials.

The proposed development includes the side extension and rear balcony that was assessed as acceptable by the Council in the previous applications (Ref 69064 and 69976/FUL).

The main element of this application is the changes to the rear dormer which is now presented with external tiling on the side elevation.

As explained above, this positive amendment will ensure that the rear dormer will appear as a separate, subservient addition to the host dwelling in visual terms (as opposed to the current appearance as an extension of the brick side gable wall which results in a harmful impact upon the host property and streetscene).

This change will actively address the reason for refusal relating to application Ref 69064, which concluded that the dormer would appear as a large blank gable wall and result in an incongruous feature in the streetscene and fail to harmonise with the external appearance of the original dwelling or locality.

As a whole, the proposed extensions will result in a dwelling of a high-quality appearance which will ensure that the visual character and appearance of the host property and wider streetscene is preserved in accordance with Policies H2/3 of the Unitary Development Plan.

Conclusion

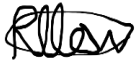
The proposed extensions will result in a dwelling of high quality, suitable appearance which will ensure that the visual character and appearance of the streetscene is preserved.

Accordingly, the proposal complies with Policies H2/3 of the Unitary Development Plan and the Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and should be approved on this basis.

Next Steps

We look forward to receiving confirmation of receipt and registration of the application, however, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact the undersigned in the first instance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rob Llewellyn'.

Rob Llewellyn

BSc (Hons)

Graduate Planner

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07513 187072

Appendix 1

DELEGATED REPORT

Report by Jane Langan	Date of report: 12/01/2023	Ref: 69064/FUL
Registration: 10/11/2022	LDfC: 23/12/2022	Expiry Date: 05/01/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with rear dormer extension; Pitched roof to existing bay at front; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony

Location: 56 Windsor Road, Prestwich, Manchester, M25 0DE

Description

The property is a bay fronted extended semi detached house. The front garden is all hard surfaced providing parking and to the rear is a fenced garden. The adjoining property is No.58 and has a patio doors to the party wall side with a lean to roof over and is then extended two/single storey. To the opposite side the site borders the rear gardens to 48 & 50 Edenfield Road. No.50 has a drive and detached garage alongside the site. These properties are at a slightly higher level. The rear site boundary borders the rear garden to 47 Windsor Crescent which sits with its side elevation facing.

Works have commenced on a two storey extension to the side and rear, a single storey rear and a rear dormer following approval 66998. This application has been submitted following a complaint to, and investigation by, the enforcement team as works have not been carried out in accordance with the approved plans.

The submitted scheme comprises of a two storey extension at the side to the rear of the existing one. It would project for 5.8m of which 3.2m would project beyond the rear elevation for 3.6m across. At this point it would be set back by 1.1m to form a balcony for 4.3m across. The remaining 1m across to the party wall would be single storey and 3.2m deep. The loft would be converted to provide accommodation and a flat roofed former would be added to the rear slope. To the extension side the side dormer wall would form part of the brick gable wall. The integral garage would converted to a reception room.

Relevant Planning History

65792 - Two storey extension at side; Two/single storey extension at rear - AC 28/09/2020
66998 - Loft conversion with rear dormer extension; Two storey extension at side; Two/single storey extension at rear - AC 09/08/2021
68152 - Non material amendment following approval of planning permission 66998-Increase dormer loft width by 2.5m - Refused 15/03/2022

Publicity

Surrounding neighbours were notified by letter on 23/11/22. A further letter was sent on 02/12/22 with regard to the amended plans showing the side gable wall. Two responses have been received from nearby neighbours their concerns in summary are :-.

- As neighbors we object to this application as the proposed balcony would invade the privacy of our garden which it would look into. Opposed to the balcony not the other items of application
- Extension built clearly breaches the initial planning granted.

DELEGATED REPORT

- Window inserted in side elevation. Impacts on privacy.
- Gable wall is higher and roofline. A red brick three-storey wall which favours a prison perimeter wall
- Loss of light to garden and views
- Bury Council Planning letter states proposed changes. The work has already been undertaken.
- Object to 12 spotlights in the gable side external roof line. Will impact upon my privacy and adversely affect the bedrooms, garden, living room and kitchen, when lit.
- Length work is taking
- Caused damage to garage roof
- Inconsiderate workmen, rude and park blocking driveway. Skips and deliveries.
- Public footpath blocked. Screws nails in the road.
- Work continues 7 days a week, from 9am until after 8pm. Noise from drilling and banging.
- Poor standard of building work

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

NPPF National Planning Policy Framework

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.

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 property is located on a plot that, due to levels, sees the side elevation highly visible in the street scene. Originally the existing two storey side extension had a flat roof. Approval 66998 was to extend with a pitched roof forming a side gable wall. The dormer was to be flat roofed, set in from the gable wall, and the dormer walls tile hung. It is now proposed, and works have commenced and are almost completed, for the dormer to have a flat roof and the wall built up as part of the brick side gable wall. This element of the proposal is considered to be unacceptable appearing as a three storey flat roofed extension out of character and as an intrusive feature and in the street scene. It would be a development poor in its design and relationship with the existing house and on a site which is located in a

prominent position.

To the rear the two storey would have a hipped roof and the set back section, where the balcony would be, would also be hipped. Materials are noted to be brick work and roof tiles to match the existing. This element of the proposal would be acceptable however as it incorporates the dormer the development as a whole would result in an incongruous feature in the street paying no mind to the original dwelling, finish or locality. Therefore the proposal 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.

Parking - The proposal would increase the number of bedrooms from 4 to 7 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. The frontage of the property is fully hard surfaced as existing. There is no scope to add any parking and the proposal would not lose any area of parking. The area is also high access in terms of available public transport. In this instance then there are not considered to be grounds for refusal with regard to parking.

Residential amenity - In relation to the adjoining No.58 the single storey would project 3.2m deep along the boundary. A 3m extension could be constructed under permitted development and as such it is not considered that the additional 0.2m would cause any significant loss of light or overshadowing to give grounds for refusal. Where two storey the proposed extension would not encroach a 45 degree line taken 1m out along the shared boundary which would comply with the criteria as set out in SPD6. The proposal includes a balcony which would be set 1m in from the boundary and the plans note a 1.7m high obscure glazed screen to the side to No.58, the opposite end would be screened by the two storey that projects deeper. The screen could be conditioned to ensure it was at 1.7m in height and retained as obscure glazed which would prevent loss of privacy. In terms of useable outside amenity space the balcony would be a small area and would be set 1m in from the shared boundary and at 2m out and therefore away from the first floor habitable room window to No.50.

50 Edenfield Road is located to the west side and slightly higher. Its rear elevation faces towards the site and is extended single storey. There would be 13m from the proposed two storey side wall to the original rear elevation to this property. Whilst the rear roof extension would now be in the form of a wall it would not be significantly different in terms of the separation distance from the tile hung dormer as previously approved and No.50 is at a higher level. The proposed window to the first floor side would appear to be an ensuite, it is absent on the floor plan, this could be conditioned to be obscure glazed.

No.50 and 48 have rear gardens bordering the site. The proposed balcony would sit to the side of the two storey extension providing screening to this side and the balcony would be directly facing down the site garden.

There would be a distance in excess of 7m from the first floor bedroom window of the proposed extension, and from the balcony, to the rear boundary with 47 Windsor Crescent. There would be approximately 12m from the dormer to this boundary with the window also to a landing and a non habitable room. The separation distances would comply with SPD6 Aspect Standards set out in order to provide sufficient privacy distances and prevent overbearing relationships.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

Response to objections - The issues regarding loss of privacy, separation distances and visual amenity are addressed in the above report.

Planning cannot control the length of time a build may take.

Excessive noise and disturbance would be dealt with under environmental legislation where

appropriate. This would also be the case for light pollution.

Damage to a neighbouring property would be a matter between the two parties.

Blocking of the footpath or damage to it would be a matter for the Highway Authority to investigate.

Extension works are subject to Building Regulations to ensure they meet the required standards.

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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	12/01/23		