

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/03/2023	Ref: 69158/FUL
Registration: 11/01/2023	LDFC: 02/02/2023	Expiry Date: 08/03/2023
Site Visit: 03/02/2023	Site Notice: N/A	Press Date: N/A
10:45:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of a flat roofed dormer to front, side and rear incorporating rear balcony and including associated building up of the gable walls to both side elevations;

Location: 16 Castle Hill Road, Prestwich, Manchester, M25 0FR

Description

The site is a detached property surrounded by mainly detached properties. It has been previously extended at the side. The dwelling has a large drive to the front, a garden to the rear and there are no properties directly to the rear. The adjacent properties on either side are No. 18 which has extended two storey and single rear extensions, and No. 14 Castle Hill Road which has undergone roof extension with dormers at front and rear to form 3 storey dwelling.

Planning permission is sought for the erection of a dormer to the side, rear and incorporating rear balcony. The proposal includes associated building up of the gable walls to both side elevations together with the installation of front rooflights. The proposed side and rear dormers would be built on the existing footprint of the roof to accommodate two additional bedrooms and a bathroom. Meanwhile, the balcony extension would facilitate an open space terrace. The development would have flat roofs above both dormers and the proposal would utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 12/01/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 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.

Constructed on the existing roof, the proposed side and rear dormers would both be simple and unobtrusive design, which would not detract from the character of the dwelling. The design would not over dominate the character of the original dwelling and would be similar to that of the adjacent neighbours. The proposed extension would be constructed with materials to match the existing dwelling and the proposed windows would appropriately align with existing. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

The balcony extension would be built on the rear elevation of the property and as such

would not be visible from the street scene at the front. It is considered that the proposal would not be intrusive feature within the street scene or to the visual amenity of the area and would therefore not be detrimental to the character of the street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no proposed windows on the sides of the proposed rear dormer and there would be a sufficient distance to the rear boundary, beyond which there would be no properties. However, the proposed side dormer would have two proposed windows facing the adjacent neighbour (No. 18 Castle Hill Road). But these windows would be from non-habitable rooms and would have a condition making them obscure glazed.
- The proposed balcony would be built entirely on the footprint of the existing roof. This development would have no detrimental impact on property No.18 Castle Hill Road, as most of the balcony would be shaded by the existing roof from this dwelling. On the opposite side, the proposed balcony would be overlooking part of this neighbour's garden (No. 14 Castle Hill Road). However, the side balustrade facing this neighbour would be 1.7 metres high and obscurely glazed to form a privacy screen and ultimately safeguarding any detrimental impact.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties, and there have been no objections to this proposal by any of these neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways The proposal will result in two additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 the drawings received on 10/03/2023 (Rev C) 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.

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- 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 The side windows on dormer subject to this application shall remain obscure glazed up to 1.7 metres.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6
- 5 The obscure glazed side balustrades subject to this application shall remain obscure up to 1.7 metres and constructed prior to the first use of the balcony hereby approved and thereafter maintained.
Reason. In the interests of residential amenity pursuant to Bury unitary development Plan Policies EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations and SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	14/03/2023		