

DELEGATED REPORT

Report by Amanda

Date of report: 06/10/2023

Ref:69972/FUL

Uhunmwagho

Registration: 24/08/2023

LDFC: 21/09/2023

Expiry Date: 19/10/2023

Site Visit: 14/09/2023

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 storey extension at side/rear; New front porch; Loft conversion with rear dormer

Location: 36 Agecroft Road East, Prestwich, Manchester, M25 9RT

Description

Planning permission was previously granted at this site on 19/01/2022 and building on site has commenced. Currently the building works has ceased as they propose to make some changes to the original proposal. The overall footprint of what is proposed is virtually the same as what was previously approved and there are some changes to the internal layout of the property. External changes include a dormer to the rear, front rooflights and the previously approved raised patio area is now omitted from the proposal.

The application dwelling a two storey semi-detached house which fronts on to Agecroft Road East with Hollyedge Drive to the east. Previously there was a single storey front/side extension to the main dwelling but this has now been replaced with the two storey side extension. The site is considerably higher to the front compared to the rear and there is a driveway to the front of the dwelling providing on site parking for two vehicles.

The proposal is to build a two storey extension to the side/rear, a new front porch, flat roof rear dormer and three rooflights to the front.

The extension would project 3.7m to the side of the existing property and it would have an overall length of 10.5m. At the rear it would project 3.5m from the existing rear elevation and would measure 8.9m wide. At the rear the two storey element would measure 5.6m wide and would be around 3.26m away from the shared boundary with the attached property. The two storey extension would have a pitched roof built to the same height as the ridge height of the existing dwelling and the roof to the single storey section at the rear would be flat with a raised roof lantern.

The rear dormer would have a flat roof. The proposed drawings show that it would be set in from the side elevation and party wall with the attached neighbour, as well as being set back slightly from the main rear elevation. The roof of the dormer would be no higher than the ridge and the dormer walls would be finished with grey composite cladding. In addition to the rear dormer there would be three rooflights installed to the front of the property.

Relevant Planning History

67780 - Two storey extension at side/rear; Raised patio with glass balustrade and steps to garden level at rear; New front porch - Approve with Conditions 19/01/2022.

Publicity

Neighbours notified on 30/08/2023 - Three objections have been received. A summary of the objections is listed below;

- They're concerned about overdevelopment of the site, with limited storage and parking facilities for a house of this size.
- The dormer roof is not in-keeping with the streetscene.
- The pitched roof is not in-keeping with the streetscene where a sloped gable is a feature of end houses on the street, even properties previously developed, thereby providing a terraced appearance not in keeping with the nature of semi detached properties on the street.
- There are no properties with rooflights facing the road.
- We note that construction is underway to second floor level on the basis of the yet to be approved plans and not in line with the approved plans so may need to be amended if this application is not successful.
- They are concerned about the size and extent of the property.
- The existing extension has already impacted on light to surrounding houses.
- The existing extension has reduced privacy levels at surrounding properties.
- The works have raised the ground level in the garden resulting in soil, cement and sediment being scattered along the road and footpath. We are hoping for this to be cleared as it will only get worse throughout the winter months.
- They are concerned about the number of vehicles at the property being increased due to the size of the house and are apprehensive of how it will affect their street, where parking is already limited.
- It is very late notifying neighbours when the extension is almost upto roof level and has been in place for weeks. Any objection would be fruitless.
- The rear dormer would overlook their front garden and front windows which would result in a loss of privacy.
- The extension has doubled the footprint of the house and it is not in-keeping with the size of other homes in the area.
- Before you know it the area would have hideous attachments of all sizes, and the look and feel of the area would be spoilt.

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 proposed extension would have bay windows to the ground and first floor on the front elevation, which would reflect the existing bay windows on the front of the building. In addition the extensions would be built with materials and a design that would be considered to be in-keeping with the original building, as well as with other in the streetscape.

Most properties along Agecroft Road East have the original hipped roofs. As such the proposed pitched roof to the two storey extension would appear very different in the streetscape. However, the applicant could convert the existing hipped roof to a pitch under permitted development rules, depending on the volume increase. As such there would be no reason to refuse the proposal to create a pitched roof. It is also noted that the previously approved proposal also had a pitched roof.

Given the property occupies a corner position the rear of the site is as visible as the front, particularly as the site is raised compared to properties on Hollyedge Drive to the rear. As such the proposed dormer would be fully visible from off site. There are not many examples of rear dormers in the immediate vicinity, so the dormer would appear different in the streetscape. However, the applicant could erect a rear dormer under permitted development rules had it been solely on the original roof, which wouldn't be much smaller than what is applied for now. As such there would be no reason to refuse the rear dormer in this instance.

The rooflights to the front of the building could be installed without planning permission and therefore there would be no reason to refuse them.

SPD 6 also states that extensions adjacent to a highway should be set back at least 2m from the boundary. However every site is assessed on its own merits and a lesser set back may be acceptable in some cases. In this instance part of the front of the extension would be just under 2m from the boundary (around 1.81m) but the majority of the building would be set back by 2m. In this instance given that the property is set well back from the highway in front and away from the junction with Hollyedge Drive and most of the extension would be set back by 2m or more, the proposal is considered acceptable in this location.

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 front of the site would remain over 20m away from the extended property and there would be around 5.8m from the front of the bay window to the front boundary. As such the front of the extension would be no closer to the highway in front than the existing building.
- There would be at least 13m from the side elevation of the two storey side extension to the side elevation of 38 Agecroft Road East and there is a road in between the two properties. As there are no habitable room windows to the side of no.38 and there would be no upper floor habitable room windows to the side of the extension this distance would be acceptable in terms of SPD 6.
- The rear elevation of the extension would be around 10m away from the two storey side elevation of 2 Hollyedge Drive and there are no habitable room windows to the side of this property.
- The two storey extension would be around 7.7m from the rear boundary which would be inline with recommendations as set out in SPD 6 and any views from the new rear first floor windows would be over the drive way and front garden only of this property.
- The single storey rear extension would project around 800mm past the rear elevation of the single storey extension at no.34 next door and it would have a flat roof. As such it is considered there would be no significant detrimental effect on the rear ground floor window at no.34 next door.
- The two storey extension would be built away from the shared boundary with no.34 and the 45° rule would be satisfied with regards to the first floor habitable room window on the rear elevation of no.34 next door.
- The plans show that the dormer would provide an office/study along with a shower room and storage. As the site is much higher compared to Hollyedge Drive at the rear anyone using the loft room would have views over the roof at no.2 Hollyedge Drive and over the front gardens and road. However, the fact a dormer could be built as permitted development in more or less the same position, has to be taken into consideration and also that a study/office would not be considered to be a habitable room. As such the dormer would be considered acceptable in the position shown.
- The three rooflights to the front could be installed as permitted development and would be installed at such a height that users of the room would not have clear views from them, over neighbouring properties.
- The plans show that there would be spaces to park two vehicles to the front of the site.
- The applicant has signed certificate A advising that all of the development would be within the site boundaries and there would be no encroachment to the neighbouring properties or highway.

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 separation distance to the surrounding properties and the 45° rule from nearest relevant window of the adjacent property.

Parking -

The proposal would reduce the number of bedrooms from 3 to 2 bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking for two vehicles to the front of the site. There is public transport available and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

Most of the neighbour objections have been addressed in the report above.

An email was sent to one neighbour in order to explain that the Council weren't late in notifying neighbours of the proposal, but that the applicant had previously had planning approval and they began works as part of that approval. They were advised that the new application has some differences to the previously approved, which is why they had to submit a new application.

Any problems arising concerning debris or dirt and such from the site being scattered on the adjacent highway would initially be a private matter where the concerned neighbours could approach the applicant, or their builders about. If problems persist they would need to make a complaint to environmental health. This would not be something that would affect the decision.

The size of the extension is quite large, but the site is also large and sufficient enough to accommodate the extended property without the area becoming over-developed. Ample amenity space would remain to the front, side and rear of the dwelling.

The application property more than a sufficient distance from surrounding properties not to have any significant detrimental impact on privacy levels and light available to the neighbouring homes and gardens. Separation distances would be acceptable in terms of SPD 6.

One objection was that the area could end up with hideous attachments of all sizes, to properties in the area which would spoil the feel and look of the area. Every planning application would be assessed on its own merits depending on the type/size of site, adjacent properties and if there are any site specific restrictions. The appearance and size of the proposed extension at 36 Agecroft Road East has been assessed in the visual and residential amenity sections of this report.

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 This decision relates to drawings numbered NA-P01, NA-P02 and NA-P03 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and

Extensions to Residential Properties.

- 2 The external finishing materials for the proposal hereby approved shall match those of the existing building and the rear dormer would be finished with composite cladding.

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 - 06/10/2023			