

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 08/06/2022

**Ref:**68168/FUL

Uhunmwagho

**Registration:** 11/04/2022

**LDfC:** 10/05/2022

**Expiry Date:** 06/06/2022

**Site Visit:** 03/05/2022

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 3

**Con Area:**

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** First floor extension at rear; bay window extension at front and loft conversion / rear dormer extension

**Location:** 254 Heywood Road, Prestwich, Manchester, M25 2GR

**Description**

The application relates to a previously extended semi-detached house. The front garden is completely paved providing on site parking for up to three vehicles and there is a private garden to the rear. The rear garden is longer to the southern side of the site compared to the north.

The proposal is to build a first floor extension above an existing single storey extension to the rear/side of the existing dwelling as well as a rear dormer. There would also be a new bay window to the front elevation, a porch and a canopy across the front elevation.

The porch would extend the existing porch forwards projecting a maximum of 848mm from the front of the existing porch and measuring 2.3m wide. It would have a pitched roof. The proposed bay window to the front elevation would be installed to an existing lounge and there would be a new canopy erected above the ground floor window across the front elevation.

The rear extension would be built directly above the existing single storey flat roof extension and the ridge of the roof would be built to the same to the same height as the original ridge on the dwelling. The bathroom would provide a dressing area to the master bedroom as well as an en-suite bathroom.

The dormer would have a flat roof and would provide a further bedroom at the property and en-suite bathroom.

**Relevant Planning History**

18/0398 - Erection of timber gate - 22/07/2019

**Publicity**

Neighbours notified on 14/04/2022 - Three objections have been received. A summary of those objections is listed below.

- The proposed extension of an already extended property is a step too far. Numbers 252, 254, 256 and 258 Heywood Road are already extended and so their property would be completely overshadowed.
- The proposed dormer would enable users of the room to look directly in to their bedrooms and downstairs rooms. Velux windows would be better.
- The extension and pitched roof will block out light to the rear of their property and the dormer would be intrusive.
- The extension would make their rear garden feel more enclosed than it is already.

- The owner of the property has already built a building on to the rear of their garage with asking permission. They would have objected to this given the chance.
- The proposed works would devalue their property.
- The extension and dormer would be an eyesore.
- The properties are already close to one another, like terrace houses.
- The extension would result in the ridge being the same height as the main ridge of the property which would block light to the rear of their property. They are concerned that is no.256 Heywood Road also decided to extend in the same way they would feel very hemmed in.
- The application property has a higher ground level to their property/garden so the extension would impact on privacy levels.

### **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

### **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 ground floor bay window to the front elevation would mirror the existing one on the opposite side of the front entrance. The design of the proposed porch and canopy would be considered in-keeping with the existing building and it would not appear out of character in the existing streetscape.

The majority of the proposed development would be to the rear of the property and as such would not be visible in the public realm to the front of the site at all. It would be fully visible from the rear gardens of adjacent and properties to the rear of the site but as the proposed design and finished materials would be considered in-keeping with the existing building it is considered that the extension would be in-keeping with the existing property.

There do not appear to be any other examples of rear dormers in the immediate area. However, the rear dormer would be built with materials and a design that would be considered acceptable in this location and on this style of property. It is also noted that the dormer would be built under Permitted Development rules given that it appears that it would be built wholly on the original roof and not over the proposed extension. As such there would be no reason to refuse the proposal.

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 -**

- In terms of properties to the front of site the increase in ridge height to the side extension would be built to the same height as the ridge of the original dwelling.
- Given the separation distances between the application property and houses on the opposite side of Heywood Road being more than sufficient in terms of SPD 6 there would be no detrimental impact on residential amenity at properties to the front of the site due to the installation of the new bay window and porch.
- The first floor rear extension would be built directly above the existing single storey flat roof extension meaning the side elevation would be around 1.4m from the shared boundary with 256 Heywood Road to the north. This would be the same as the existing building.
- The rear elevation of the first floor extension would not project any further than the existing rear elevation of the property. Taking this into account and that the extension would be around 1.4m from the shared boundary with no.256 Heywood Road the 45° rule would be satisfied with regards to the nearest ground floor window on the rear of no.256 next door.

- There would be no new windows installed to the north side elevation.
- The rear elevation of the first floor extension would be approximately 4.8m from the shared boundary with 75 St. Margaret's Road to the rear. As the bathroom window would be obscurely glazed and it is classed as a non-habitable room this distance would be acceptable in terms of SPD 6. A condition would be added to the decision with regards to retaining obscure glazing in this particular window in the future.
- The rear dormer would be built on the original roof which means it is most likely that this structure could be built under Permitted Development rules without prior planning permission.
- Views from the bedroom window in the proposed dormer would be towards the rear of the longest part of the garden towards a detached garage belonging to 73 St. Margaret's Road. The window would be around 12.8m to the rear site boundary which would be more than sufficient in terms of SPD 6.
- The closest window to the rear of numbers 73 and 75 St. Margaret's Road would be to a bathroom which would have obscure glazing. This window would also be around 9m away from the shared boundary which is acceptable in terms of SPD 6.

With the above in mind 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 residential amenity.

**Parking -**

The proposal would increase the number of bedrooms from 3 plus an office to 4 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 site as existing has an area at the front for parking three vehicles and this would remain following the completion of the proposed development. The area is also high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

**Site visit -**

A site visit was made to 75 St. Margaret's Road on 03/05/2022 and the site was viewed from the first floor rear bedroom of the property as well as the rear garden. As the property and rear garden of 256 Heywood Road next door was clearly visible from within the site there was no reason to visit this property as well.

**Response to neighbour objections -**

Overall the concerns of the neighbours have been addressed in the report above. Whilst it is appreciated that some of the neighbours are concerned about the development it has been taken into consideration that the proposed first floor side/rear extension would be built within in the limits as set out in SPD 6 and it would be possible to erect a flat roof rear dormer on the original roof to the property without the need for planning permission.

In respect of one neighbour's concerns about an outbuilding being attached to their garage without permission they were advised that maybe they could speak with the applicants and/or they could contact the Planning enforcement team if they needed to. The neighbour was given the contact details for the Planning enforcement team whilst on site.

The neighbours who objected also spoke with Councillor Moss and Councillor Rizvi. Both councillors spoke with the planning officer over the phone and emails were sent to both councillors on the 19th and 20th May 2022 advising that they would need to contact Development Management with any further comments by Friday 27th May 2022. No further correspondence has been received from the councillors or neighbours.

## **DELEGATED REPORT**

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 drawings numbered 50-15/02, 60.00 and 60-01/03 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.
- 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 Before the first occupation of the first floor extension hereby permitted the window on the rear elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 08/06/2022     |             |                         |             |