

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/10/2022	Ref: 68747/FUL
Registration: 03/08/2022	LDfC: 27/09/2022	Expiry Date: 28/09/2022
Site Visit: 22/09/2022	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: Single storey rear extension; Hip to gable roof extension; Dormer extensions at front and roof extension above garage; Front porch extension

Location: 5 Hamilton Road, Prestwich, Manchester, M25 9GG

Description

The property is a detached bungalow with accommodation in the roof space. It has an in/out gated drive and garden to the front. Paths run along each side of the property and to the rear is a fenced garden with planting along the rear boundary. The neighbouring property to the south side is No.7, a two storey detached house which is at a higher level and sits forward of the front elevation of the site. The side elevation is blank wall and it is extended with a conservatory at the rear. To the opposite side is No.3, a detached house that is at a lower level. The side to the site is flat roofed and single storey. There is fencing and planting along the boundary.

The application is a resubmission of approval 67366. The proposal still includes a hip to gable extension but with no increase in the ridge height. It is now proposed to raise the eaves to the garage side by 1.27m and then extend with a pitched roof above and with roof lights. To the opposite side the eaves would be raised to the same height to form a pitched roof type dormer and a further small dormer would be located to the central section of the front roof slope with roof lights either side. A new porch would project 0.8m from the existing front elevation linked across to the garage which projects deeper. To the rear a single storey would replace the conservatory and come out 4m deep for 8.4m across.

Relevant Planning History

67366 - Single storey rear extension; Hip to gable roof extension; Dormer extensions at front; Increase in height of roof; Front porch extension - AC 26/10/2021.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. Note they have sent the same correspondence from two different addresses but it has been confirmed it is the same neighbour. The concerns in summary are :-

- Concerns regarding height increase. Loss of light to only south facing window, court yard and greenhouse.
- Could applicant for go building over garage ? If not could sun path diagrams be provided to take into account 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.

Visual amenity and design - The site property sits set back from the road with a good sized front garden and drive and a boundary wall and planting along the frontage. The properties to each side are detached and of a different design. The proposed hip to gable and dormer type extensions at the front would increase the roof mass however the resulting

development would appear of good design and fit well within the street scene. An elevation plan has been submitted with the proposal to demonstrate this. The porch would be an infill and to the rear the single storey would be flat roofed with a roof light. Materials would be render and roof tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would result in a 4 bed property and a first floor office. 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 a drive area at the front that can accommodate this level of parking.

Residential amenity - No.3 is located to the north side and, as the road slopes, at a lower level. The house is single storey to the site side and flat roofed with roof lights. It has glazed doors to the side elevation which lead from the dining area of an open plan kitchen on to a patio area. The proposal would see the eaves increased in height to this side and the addition of a pitched roof. Fencing screens the ground floor windows to site. The development would have an impact on light to the side doors and patio to No.3 as it would be located to the south side and with No.3 being at a lower level. The principle windows to the main aspects of No.3 however would not be significantly affected or the main garden area to the rear. SPD6 Aspect Standards notes that less weight is afforded to habitable room windows on side elevations. In conclusion then it is not considered that there are grounds for refusal with regard to the extension above the garage of the site. The roof lights to this side are shown at a level over 1.7m from floor level to cill. A condition is added for the small office window to the first floor side elevation to be obscure glazed. There would then be no issues regarding overlooking.

To the opposite side No.7 is at a higher level. It is set forward of the front elevation of the site and the side blank wall. As such the proposed dormer roof extension to the front would not cause any significant impact. The proposed new gable to this side would come to be around level with the rear elevation of No.7 as extended with its conservatory. The proposed single storey would be flat roofed and located to the north of the garden to No.7 and again is not considered to impact to any significant level.

There would be no increase in the roof height and the rear slope would have only roof lights and with a distance in excess of 7m to the rear boundary.

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

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection

The issue regarding loss of light to the relevant neighbouring properties is addressed in the above report.

The agent has been made aware of the objection but does not wish to make any revision to remove the proposed extension above the garage.

Given the proposal complies with SPD6, and there are not ground for refusal, it is not considered reasonable to request further information from the applicant in the form of sun path diagrams.

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

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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 002, 003, 004 Rev 2, 033 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.
- 3 Before the first occupation of the extension hereby permitted the office window to the first floor north side 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	21/10/22		