

Description

The property is a two storey detached house. It has been previously extended two storey at the side and single storey at the rear and with a porch to the front. The front garden is fully surfaced for parking. To the rear is a shallow garden which has fencing along the side boundaries and conifers screen the rear boundary. The neighbouring property to the north side is No.17, a detached house which sits set back from the rear elevation of the site and is extended with a conservatory. To the opposite side No.11 is also a detached house and its rear elevation is around level with the two storey rear elevation of the site. To the rear the site boundary borders the rear garden to 5 Woodthorpe Grange and the detached garage and garden to No.3.

The application proposes a two storey extension 4m deep across the rear elevation. It would have a dual pitched roof forming a rear gable. A flat roofed dormer would be added extending along each side of the pitched roof to the extension to provide accommodation in the roof space. The extensions would form an extended sun room with extended bedrooms at first floor. The extended roof space would provide an additional bedroom.

Relevant Planning History

35697 - Single storey rear succah extension, part two storey, part first floor extension at side and new front porch - AC 13/10/99.

61184 - Loft conversion with dormers at front and rear - AC 07/04/2017

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. Their concerns in summary are :-

- Loss of light and overshadowing to the garden
- Extension will make this house look different and odd
- Will drive down the house prices on the estate

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 - SPD6 requires proposals to achieve a high standard of design and that complements the original building by reflecting its design, massing, scale and finishing materials.

The proposed two storey rear extension would have a pitched roof forming a rear gable wall. A flat roofed dormer would be added running to each side slope with slim windows each side. Materials are noted to be brick and roof tiles to match the existing. Dormer walls would be grey composite cladding.

Located to the rear the development would not be readily visible from the main street view however there would be views from the surrounding neighbouring properties. The proposed extension with the addition of the dormer is not considered to be of good design and would relate poorly to the existing property and result in an incongruous development.

The proposal is considered unacceptable and out of keeping with the existing property and would have a detrimental impact on the visual amenity of the area.

As can be seen from the site photos the existing plans provided are incorrect and do not accurately represent the existing property.

Parking - The proposal would increase the number of bedrooms from 4 to 5 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 frontage is fully surfaced for parking as existing and can accommodate this level of parking. The area also has some on street parking and there is public transport available. The parking arrangements are then acceptable.

Residential amenity - SPD6 Section 3 sets out general guidance including that proposals should not significantly reduce the amount of daylight or sunlight enjoyed by neighbouring properties.

17 Woodthorpe Grange is located to the north of the site and the property is extended with a conservatory and it sits back from the rear elevation of the site. The proposed two storey rear extension would run along the boundary with this neighbouring property resulting there being a two storey wall the full length of its garden boundary and as such would it would be unduly overbearing. Whilst the site property as existing causes over shadowing to the garden to No.17 the proposal located to the south west side would add further overshadowing which would be unacceptable.

To the opposite side to No.11 the proposed two storey would not encroach a 45 degree line from the mid point of the closest window (patio doors) to the rear elevation. This neighbouring property and its garden are also located to the south side therefore the development would not cause any significant loss of light or overshadowing.

SPD6 Aspect Standards seek to ensure adequate separation distances in order to maintain adequate privacy distances and avoid overbearing relationships. It states that there should be a minimum distance of 7m between first floor habitable room windows of any extension and a directly facing boundary with a neighbouring property. Any assessment should also take into account significant change in levels or new accommodation to be provided at a higher storey. There should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference.

In this case the proposal would add bedroom windows to the first rear elevation and a further bedroom window to the top of the gable to the roof accommodation. The rear boundary of the site borders the rear garden to 5 Woodthorpe Grange and also borders the area there is the garage to 3 Woodthorpe Grange. These properties are also at a lower level. There would be a separation distance of approximately 5.9m from the proposed first floor windows and second floor window of the extension to the boundary of the garden to No.5. This would be sub standard the minimum required as set out in SPD6 Aspect Standards. As such the proposal would result in loss of privacy to 5 Woodthorpe Grange to an unacceptable level.

The impact to 3 Woodthorpe Grange would much less due to there being a garage along the boundary.

The proposal includes windows to each side of the flat roofed dormer. To prevent overlooking these could be conditioned to be fixed and obscure glazed.

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

Response to objection

The issues relating to the impact on the relevant neighbouring properties are addressed in the above report.

Property value is not a planning matter.