

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 06/01/2022

Ref:67682/FUL

Registration: 19/10/2021

LDFC: 26/11/2021

Expiry Date: 14/12/2021

Site Visit: 09/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Roof extension/loft conversion with rear dormer, first floor rear extension, single storey side extension and detached garden room at rear

Location: 52 Brooklands Road, Prestwich, Manchester, M25 0ED

Description

The application relates to a two-storey detached house with a pyramid pitch roof on a residential street of similar properties, with an existing flat roofed garage at the rear albeit in relatively poor condition. The unattached neighbour at Nr.54 is within the same building line and has two small existing extensions. The unattached neighbour at Nr.50 is set back slightly and has an existing two storey extension at the rear. The rear boundary comprises a fence approx. 1.8m high plus one evergreen tree but no shrubbery.

Planning permission is sought for a:

- Single-storey side extension to accommodate an enlarged kitchen-dinner projecting out by 1.86m with a flat roof.
- First-floor rear extension to provide an additional bedroom within the existing building line (above existing extension at an earlier date).
- Roof pitch to be extended to both gable ends.
- Rear dormer extension with flat roof up to main pitch height, to provide two extra bedrooms.
- Conversion of rear garage to a studio/sukkah.

Materials would be red brick for the ground floor and white render for the first floor to match existing. The driveway would be reduced in length but still maintain capacity for two cars. There would be a separation of 11.1m to the rear boundary.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 04/11/2021 sent to 9 (nine) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - In terms of design and appearance the ground floor extensions are generally in-keeping with the existing house. However, with regards the dormer extensions there are no existing dormers on this block, nor any of this size within the street, and is therefore out of character with the surrounding streetscene. However, it is considered that the proposed dormer would meet existing permitted development rules. Situated at the rear, the extension would not be readily visible from the public arena. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 11.1m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The first-floor extension is acceptable in relation to the unattached neighbours as it complies with the '45-degree rule' within SPD6. Overlooking to this neighbour is minimized by the fact there are no primary habitable windows on the side elevations – only a new bathroom and landing window is proposed, and these can be conditioned to require obscure glazing. Additionally, the second-floor dormer extension habitable windows are set back in excess of the required 10m to the shared boundary. The proposed new kitchen window on the side elevation of No.14 is a non-habitable room window and therefore cannot be afforded significant weight in any assessment.

With regards the conversion of the existing garage to a studio/sukkah this would be positioned within the same footprint as the existing structure and the new French doors proposed would face towards their own garden with a separation distance of 8.2m to the shared boundary. The replacement of this structure in relatively poor condition with a modern structure comprising timber external walls is therefore considered to be acceptable.

In terms of the general prominence and impact on daylight the first-floor extension is set along the same boundary as the unattached neighbours two-storey elevation to the east. The extended roof pitch and dormer extension would have an impact on part of the rear garden particularly around midday, however the overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact to warrant refusal.

Highways - The proposal would not affect the existing site access although the driveway would be reduced in length but still able to accommodate two cars, while the garage space would no longer be available.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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:

DELEGATED REPORT

- 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 Project GSS21092 Drawing 004 Rev2 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 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 extension hereby permitted the toilet and stair/hallway windows at the 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>
Steven Gunn-Russell	06/01/2022	DM	07/01/22