

DELEGATED REPORT

Report by Jane Langan	Date of report: 13/06/2022	Ref: 68327/FUL
Registration: 12/04/2022	LDFC: 26/05/2022	Expiry Date: 07/06/2022
Site Visit: 16/05/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: A: Front Porch and amendments to front bay window
B: Rear dormer extensions

Location: 15 Orange Hill Road, Prestwich, Manchester, M25 1LR

Description

The property is an end terrace house. It is in a mix of materials with stone cladding to the front and brickwork to the side and brick/render to the rear where there is a two/single storey outrigger. A walled rear yard extends from the rear of the property and there is also a fenced rear garden.

The application is a resubmission of 67031. The proposal includes a front porch to infill up to the level of the bay window. The cill to the bay window would be raised and the roof replaced with a glazed one. To the rear a flat roofed dormer would be constructed that would extend across the rear roof slope and the side slope of the outrigger. It would form 2 additional bedrooms and an ensuite. The front roof slope would have roof lights. The plans also note a ground floor side window to be blocked up. The front and rear elevations would be finished in white render. The previously approved application revised the scheme within the process to reduced the rear dormer to one to the rear roof slope only.

Relevant Planning History

45013 - Certificate of lawfulness for existing use as dwelling house - Refused 11/10/2005
67031 - Front porch extension; Rear dormer extension - AC 20/10/2021

The above Certificate of lawfulness for existing use as dwelling house was refused on 11/10/2005 as the application did not provide evidence that the property had been used as a dwelling for more than 4 years and was a shop in January 2002. Valuation Office records show that the property has been registered for Council Tax from 01/02/2002. The application can then be considered as a householder development.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour who support the proposal their comments in summary are:-

- Proposed changes would enhance the street scene
- Changes are well thought out and provide excellent use of the existing roof space voids
- No issues in terms of overlooking. Property is an end of terraced house and has a long back garden. Side elevation overlooks an almost bland gable wall.
- Local people investing in their homes should be encouraged.

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.

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.

SPD 6 states that the Council will seek to ensure that proposals for dormers preserve the

character of the street scene especially where dormers are absent. It further clarifies that flat roof dormers should be avoided unless considered more appropriate to the particular building or street scene, and that any dormer that faces a highway should not occupy a disproportionately large portion of the roof.

Visual amenity and design - The site is located on a corner plot and prominent in the street. The front elevation would see the inclusion of a new flat roofed porch that would be an infill up to the existing bay. The front and rear of the property would be updated with the render finish and replacement glazed roof to the bay and raised cill. This element of the proposal would be in keeping with the existing property.

To the rear the dormer would be flat roofed extending across the rear roof slope and along the side slope of the outrigger. The application and plans do not indicate the materials for the dormer walls. It would appear to be the same as the previous application confirmed by the agent as grey upvc cladding. This or tile hanging could be controlled by means of condition. Whilst there are no dormers in the immediate area flat roofed dormers are not uncommon to the rear roof slope of residential properties. In this case however the proposed dormer would extend on to the outrigger and appear overlarge and as an intrusive feature in the street. It would result in a development poor in its design and relationship with the existing house and on a site which is located in a prominent position. This element of the proposal would be unacceptable and contrary to SPD6 and UDP Policy H2/3.

Parking - The proposal would increase the number of bedrooms from 3 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 has no off street parking as existing. There is a fenced rear garden and it may be that this could be utilised for parking should the applicant require it. The area has on street parking and there is public transport available. In this instance there are not considered to be grounds for refusal with regard to the parking arrangements.

Residential amenity - The porch would not project excessively infilling to the bay level and the adjoining No.13 has its entrance door adjacent. The rear dormer window would be face down the lengthy site garden and the one to the side of the outrigger would look over the side street. There would then be no serious impact on the amenity of any adjacent neighbouring properties.

As the proposed front porch and bay window alterations would comply with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties but the dormer extension would not a split decision is recommended.

Response to neighbour comments Householder applications are assessed against UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties with regard to visual and residential amenity as addressed in the above report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

Proposal A: 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.

Proposal B: The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or

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conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Split Decision

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 PL01 rev A, PL02 rev A, PL05 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.
- 1 The proposed dormer extension would, by reason of size and design, be a prominent and intrusive feature in the street scene and result in a development neither appropriate to, nor sympathetic with the existing dwelling nor within the street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 - Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

<u>Case Officer</u> JL	<u>Date</u> 13/06/22	<u>Sign off Officer</u>	<u>Date</u>
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