

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/03/2023	Ref: 69290/FUL
Registration: 01/02/2023	LDfC: 28/02/2023	Expiry Date: 29/03/2023
Site Visit: 08/02/2023	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: Proposed rear dormer

Location: 69 Richmond Avenue, Prestwich, Manchester, M25 0LW

Description

The property is a semi detached house located on a corner plot. It has bay windows to the front at ground and first floor with a pitched roof above and a similar bay to the corner of the property where the entrance is located. To the side to Mowbray Avenue part of the elevation has a side gable wall that projects out. To the rear the house is extended single storey. There is a shallow garden to the front and side and to the rear the garden is hardsurfaced and is also fairly shallow. A low brick wall and hedges screen the gardens. Off Mowbray Avenue is a drop kerb however this does not appear to be used for any off street parking. The adjoining semi is No.67 and extended single storey at the rear. To the rear of the site 4 Mowbray Avenue sits side on with a two storey blank side wall.

The application includes a hip to gable roof extension including a 0.7m section out to the side extending the existing side gable where it projects out. To the rear a flat roofed dormer is proposed to almost the full width and depth of the roof slope including extending on to a 1.1m deep section that projects from the main slope. It would be tile hung to match the existing roof. The extension would form a bathroom and two additional bedrooms.

Relevant Planning History

67956 - Loft conversion with hip to gable roof extension; Front and rear dormers - Refused 03/03/2022. APP/T4210/D/22/3299383 - Appeal Dismissed 30/06/22.

69036 - Lawful development certificate for proposed hip to gable, loft conversion and rear dormer - Lawful Development 26/01/2023.

Publicity

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

- Know the feeling of living in a cramped space. Have a pending application to construct a loft conversion opposite.
- Support for family who need the extra space.
- Family deserve the space. Only option that remains viable before them. No scope of entertaining a house move at the current climate.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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.

Background

In November 2021 the agent submitted a scheme to extend the roof with dormers for pre application advice. Following this application 67596 was submitted however the concerns raised at pre application stage were not addressed. The application was refused on 03/03/22 and an appeal dismissed 30/06/22 (APP/T4210/D/22/3299383). A lawful development certificate for a hip to gable and rear dormer 69036 was submitted and certified as lawful on 26/01/23. This application has been submitted without any pre

application advice following the dismissed appeal. It now omits the proposed front dormer.

Visual amenity and design - UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan sets out the factors against which householder developments are considered and which are:-

- a) the size, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties;
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

Supplementary Planning Document 6 (SPD6) requires domestic extensions to achieve a high standard of design and complement the original building by reflecting its design, massing, scale and finishing materials. It notes that incompatible designs result in a poor relationship with the original building and street scene.

The proposed dormer would extend the full width of the roof slope including extending on to the projecting section at the rear and that to the extended hip to gable. It would appear as a flat roofed three storey extension. The additions to the roof would appear out of place and as an intrusive feature in the street. The extending out to the section at the side would further add to this. The development would appear incongruous and create a dominant and discordant feature in the existing street scene. Whilst it is the case that dormer extensions are a common way of extending in this area, and in some circumstances can be acceptable, in this instance on this particular property on a prominent corner plot, it is considered that the proposal would, for the reasons as previously noted, be unacceptable and seriously detrimental to the visual amenity of the area.

The proposed plans highlight separately the area that was subject to the Lawful Development Certificate (LDC) and that of the current planning application. The volume of the proposed roof extension on the LDC was noted to be 49.8m³, the total allowable being 50m³. In the assessment of this application the scheme is considered as a whole. As the inspector noted in the appeal decision *'it would not be possible to construct the whole of the proposed scheme utilising permitted development rights and so I afford limited weight to any theoretical permitted development fall-back position.'*

In conclusion, whilst rear dormers can be constructed under permitted development and this is a material consideration, they are restricted to the size limitations which would be smaller than that as proposed. With no change to the rear dormer to the previous refusal and dismissed appeal the proposal is still considered to be unacceptable and seriously detrimental to the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 4 to 6 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 no off street parking and there is little scope to create any other than the sites small rear garden which would lose outside amenity space. The area has on street parking and there is public transport available. In this instance then there are not considered to be grounds for refusal with regard to parking.

Residential amenity - The proposed rear dormer would face on to the blank side wall of 4 Mowbray Avenue and as such it would not cause any loss of privacy.

The proposal would comply with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties in terms of residential amenity but would be contrary with regard to visual amenity.

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

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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 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: Refuse

Conditions and Reasons:

- 1 The proposed roof extension would, by reason of size and design, be a prominent and intrusive feature in the street scene and result in a development which is neither appropriate to, nor sympathetic with the existing dwelling and 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/03/23	HL	08/03/23