

**DELEGATED REPORT**

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| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 28/03/2023 | <b>Ref:</b> 69341/FUL          |
| <b>Registration:</b> 10/02/2023 | <b>LDFC:</b> 14/03/2023           | <b>Expiry Date:</b> 07/04/2023 |
| <b>Site Visit:</b> 22/03/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Raising of roof ridge height with hip to gable roof extension,Loft conversion and Dormers at front and rear

**Location:** 6 Mowbray Avenue, Prestwich, Manchester, M25 0LP

**Description**

This application relates to a two storey red brick semi-detached dwellinghouse on the corner of Mowbray Avenue and Richmond Avenue. The area is characterised by similar styled residential properties. The house has had a two storey extension built at the rear, over the driveway and as a result the property has no on-site parking and a very small rear yard.

The proposal is seeking to raise the roof ridge height with hip to gable roof extension carried over from the existing roof, accommodating a loft conversion and large L-shaped rear dormer at the rear and side. A smaller pitch roof dormer would be situated on the front roof plane.

There would be a separation of approximately 6m to the rear boundary, and 7.5m to the neighbours blank gable wall. Materials would match existing.

In support of the application, the applicant has submitted details of the family's health and medical conditions. The applicant states that due to these conditions, the family requires good quality living / habitable spaces and this will be best achieved by the a loft conversion and increased internal living space.

It is noted that in March 2022 approval was given for extensions to the pair of semi-detached properties comprising Nos.6 and 8 Mowbray Avenue. Alterations included raising the ridge of both properties and extending with front and rear dormers. The current application only includes No.6 Mowbray Avenue.

**Relevant Planning History**

02657/E - Loft conversion and front and rear dormers - Enquiry completed 12/10/2021  
02789/E - Hip to gable Loft conversion with Front and Rear Dormers - Enquiry completed 09/11/2022  
53872 - Single storey/two storey extension at rear - Approve with Conditions 02/06/2011  
67902 - Raising of roof ridge height with hip to gable roof extension, loft conversion and dormers at front/rear - Approve with Conditions 25/03/2022

**69 Richmond Avenue**

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.

**Publicity**

Immediate neighbours notified by letter dated 20/02/2023. No objections received and one

comment in support of the proposal from a neighbour.

The family deserve the space they need & it is a required necessity as well as the only option that remains viable before them - to enable their family's well being.

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions - N/A**

### **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** - There are a number of serious issues with the proposal. The proposed raising of the ridge on the roof at No.6 Mowbray Avenue, without raising the roof over the attached neighbour at No.8 to an equal degree would seriously disrupt the symmetry of the pair of semis on this corner plot and create an incongruous and visually detrimental feature within the wider streetscape.

The large box dormer on the rear/side elevation of the house, along Richmond Avenue, would extend off the new higher roof and run back across the entire roof to the extended rear elevation, adjacent to the shared side boundary with No.99 Richmond Avenue.

The area around Richmond Avenue/ Mowbray Avenue is characterised by traditional pitched roofs with smaller gables over bay windows. There are no large box dormers that are viewable within the immediate vicinity. The proposed dormer on the larger roof, in what is a very prominent location, even with tiles to match the roof, would constitute a particularly intrusive and incongruous feature on the existing dwelling and within the wider streetscape.

It is noted that directly across Richmond Avenue, No.69 had a proposal for extensions, including a box dormer, refused and dismissed at appeal in June 2022. Given the similarities with what is now being proposed, it is worth noting what the The appeal inspector stated in the decision report - set out below:

*In conjunction with the provision of a new hip to gable roof, the proposed rear dormer would appear dominant and top heavy on the host property. It would occupy a significant proportion of the rear roof slope. Owing to its position, scale and design, it would be appreciated by passers-by as an incongruous box structure at odds with the otherwise mainly unbroken roof slopes that can be seen at close distance from public roads. I acknowledge that there are dormers to the rear of other properties in the area including a two storey extension with rear dormers at 55 Richmond Avenue. However, in contrast to the rear of other properties in the street, the appeal property is much more prominent and conspicuous when seen from Mowbray Avenue. In other words, all parts of this property are sensitive to change in so far that they are visible from public vantage points.*

*The above harm would be compounded by the fact that the proposal includes an increase in the height of the projecting side gable. The impact would be that of creating an overly fussy, discordant and dominant extension to the detriment of the appearance of the host property and the prevailing character and appearance of the street-scene.*

*In addition to the above, the development includes a front roof dormer. This addition would add to the overall dominance of the development as whole when seen from Mowbray Avenue. While the front dormer would not be as large as the proposed rear dormer, it would nevertheless unacceptably compete with the two storey projecting pitched roof gables belonging to the pair of semi-detached dwellings, particularly when seen by those approaching the site from Albert Avenue and into Mowbray Avenue. Furthermore, it would have the effect of uncharacteristically breaking up the existing main roof space and introducing an out of keeping roof addition that would be noticeable when viewed from public areas. To this extent, the proposal would have a discordant impact on the character and appearance of the area.*

*For the collective reasons outlined above, I therefore conclude that when the proposal is considered as a whole, it would cause significant harm to the character and appearance of the area. To this extent, it would not accord with the design, character and appearance requirements of saved policy H2/3 of the Bury Unitary Development Plan 1997, the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (updated 2010) and Chapter 12 of the National Planning Policy Framework*

2021.

The proposal being considered at No.6 Mowbray Avenue seeks to raise the ridge and form a gable in a similar way to the appeal proposal. Whilst a gable end was previously approved as part of a scheme that also included No.8, the current scheme would introduce a rather unbalanced and incongruous roof line across the pair of semis (No.8 and 6). In addition to the raised ridge and gable, the scheme also includes a large box dormer to the side and rear. Whilst it is a different design to the appeal proposal, the proposed scheme at No.6 introduces a large box dormer that would in a similar way, have a serious and detrimental impact on the character of the streetscape.

The proposal by reason of its siting, size and design, would be seriously detrimental to visual amenity and the character of the streetscape and would be contrary to UDP Policy H2/3 and associated guidance relating to extensions and alterations.

**Residential Amenity** - There are no residential amenity issues arising with regard to neighbours. The residential amenity of the occupiers would be improved with the additional living space but this would need to be measured against the impact on visual amenity. The proposal is acceptable in terms of residential amenity and complies with UDP Policy H2/3 and associated guidance relating to extensions and alterations in this regard.

**Parking and Access** - The dwellinghouse no longer has any parking within its curtilage and this would not change. Although it appears that there would be no increase in the number of cars being used by the applicant's family, the additional bedrooms could have the potential to increase pressure on parking in the future. Given the approval of extensions in 2022, the proposal would not have a significant impact on parking. The proposal is acceptable in terms of parking and complies with UDP Policy H2/3 and associated guidance relating to extensions and alterations.

**Special Needs of Disabled Persons** - The applicant has submitted a statement to support their view that the proposal should be allowed on grounds of special circumstances - specifically that the family have particular health and medical conditions that require more living space than they have currently or could create through a smaller extension. Details of the various health and medical have been supplied by the applicant and whilst it is fully understood why the family would want more internal space, this must be balanced against the significant harm that would be caused by the proposal to the character and appearance of the area. If the site was not so prominent or if extensions were at a lower level, there may be a case to be made for allowing some flexibility in any assessment but this is not the case here. In this particular case, with all things considered, a refusal of planning permission for the proposal is a necessary requirement in the public interest and for the reasons stated.

**Public comment** - The comments from the neighbour are noted but the benefits accruing to the family are not outweighed by the detrimental impact the development would have on visual amenity and streetscape.

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

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 scheme would, by reason of its size, position and design, be a prominent and intrusive feature in the streetscene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design, 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> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 28/03/2023  | DM                      | 29/03/2023  |