

DELEGATED REPORT

Report by Tom Beirne	Date of report: 06/01/2022	Ref: 67669/FUL
Registration: 04/11/2021	LDFC: 26/11/2021	Expiry Date: 30/12/2021
Site Visit: 09/12/2021	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Raise roof ridge height; Two storey extension at front/side/rear and single storey rear extension; Erection of detached summerhouse at rear; New boundary wall/fence; New vehicular access; Rear juliet balcony

Location: 26 Hillingdon Road, Whitefield, Manchester, M45 7QN

Description

This application follows a recent refusal for extensions to the house and outbuilding in the rear garden. The property is a two storey detached house on a residential road of generally similar styled properties. The existing access is located on the south side of the frontage and just beyond the north boundary with No.24 there is a bus stop. The house is currently vacant.

The proposal, which would alter the house significantly, has a number of elements.

- Two storey extensions to the front, side and rear;
- Single storey rear extension with balcony above;
- Adding a new roof to increase the height to form second floor within the roofspace;
- Erection of detached single storey summerhouse at rear;
- New boundary wall/fence;
- Wider driveway/vehicular access on frontage

Relevant Planning History

67281 - Raise roof ridge height to form second floor; Two storey extension at front/side/rear & single storey rear extension with balcony above; Erection of detached summerhouse at rear; New boundary wall/fence and new driveway/vehicular access - Refused 07/10/2021

Publicity

Immediate neighbours notified by letter dated 05/11/2021. Three objections received from Nos.15 and 17 Ferndale Avenue, situated to the rear and No.28 Hillingdon Road.

Objections are summarised below:

- That the proposed extended dwelling is more than twice the gross internal floor area (habitable space) of the existing property.
- It has not been demonstrated that the proposed extension will have no impact on adjoining trees. The submitted block plan is not accurate.
- The bulk, massing and scale of the extended dwelling is significant, and wholly out of keeping with the 'parent' property.
- The design and detailing of the extended dwelling is poor and it bears little if any relationship to the 'parent' property.
- Proposed parking arrangements are wholly inadequate for a property of the size proposed.
- The proposed extended dwelling and in particular its first floor balcony will give rise to an increase in noise and disturbance to No. 28, in addition to being overbearing to it and adversely affecting outlook and privacy.
- Large summerhouse overdominant and impact on property at the rear.

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 - With the roof hipped and at a height not significantly higher than the properties on either side, the extended house appears to be in keeping with the general streetscape. There is a small setback on the side extension at the front that creates articulation and reduces the appearance of terracing. The proposed render is considered acceptable as there are a number of other properties within the vicinity that have been part or wholly rendered.

The outbuilding at the rear of the garden is large in terms of footprint but is not readily viewed from the public arena. The building is single storey in height and with a pitched roof and with a 'permitted development' fallback, would be difficult to resist.

The revised scheme is more acceptable than the previously refused scheme and would not have a significantly detrimental impact on the character of the streetscape and this would be acceptable in terms of UDP Policy H2/3 and SPD6.

Residential amenity - The previous scheme included a first floor balcony at the rear which had the potential to cause noise and disturbance to neighbours on either side. The revised scheme has removed this balcony in favour of a Juliet balcony on the patio doors which are centrally positioned on the rear and this is now considered acceptable.

At the rear the neighbours are a significant distance away so as not to be seriously impacted. The single storey outbuilding, although close to the rear boundary, with a pitched roof angled away from the rear boundary, would not be so dominant as to warrant refusal. In terms of residential amenity, the proposal is acceptable in terms of residential amenity. The neighbours are concerned that the outbuilding could be used as a separate dwelling. In response, a condition would be attached to prevent this occurrence. Complies with H2/3 and SPD6 in this respect.

Parking and Access - Although plans are not particularly detailed with regard to parking and access, adequate parking can be achieved on the frontage for at least three cars. The existing bus stop would not be affected by the alterations to the driveway. As such there are no serious issues with regard to parking on the frontage and suitable conditions would secure appropriate access and parking and comply with UDP Policy H2/3.

Trees and hedges - There are some small trees and shrubs to the rear along the boundary on either side. These are not considered to be significant and could be removed without serious harm either visually or ecologically.

Objections - The concerns of neighbours have been addressed in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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:

- 1 The development must be begun not later than three years beginning with the date

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of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 01, 03, 06, 08, 10A, 20b, 21b, 22, 23, 25c, 27a and 26b 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The use of the outbuilding hereby permitted shall be remain ancillary to the main residence.
Reason: In the interests of amenity having regard to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 All construction materials relating to the development shall be stored wholly within the site and clear of the highway for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 6 The formation of the new vehicular access and driveway indicated on the approved plans, incorporating the provision of a footway crossing extension of a width and in a position to be agreed on site prior to commencement of the development clear, widened driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adjacent adopted highway, and all associated footway remedial works abutting the site required as a result of the proposed development, shall be implemented to an agreed specification and to the satisfaction of the Local Planning Authority prior to the development hereby approved being occupied/ being brought into use.
Reason. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	06/01/2022	DM	06/01/2022