

DELEGATED REPORT

Report by Amanda

Date of report: 14/03/2023

Ref:68928/FUL

Uhunmwagho

Registration: 28/11/2022

LDfC: 22/12/2022

Expiry Date: 23/01/2023

Site Visit: 05/12/2022

Site Notice: N/A

Press Date: N/A

Objections: 5

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey / two storey side extension; single storey rear extension, loft conversion with new dormer to rear elevation and bin storage and planting to the front.

Location: 499 Manchester Road, Bury, BL9 9SH

Description

The application relates to a two storey semi-detached house situated on Manchester Road, Bury. It has a garden to the front with red brick wall along the front boundary. There is currently a drive to the front and side of the dwelling leading to a detached garage at the rear.

At the rear of the property there is a conservatory and a garden with fences to all boundaries as well as planting. No.497 Manchester Road (attached) has a single storey rear extension. No.501, unattached to the opposite side is a detached property. There are two obscure glazed upper floor windows to the side elevation, possibly to a bathroom and a stairwell window. There is also a secondary ground floor window to dining room/kitchen. There is a detached garage adjacent to the site boundary and a short fence runs along the shared boundary to the front of the site.

The proposal is to build a two storey side extension, single storey rear extension, loft conversion with new dormer to rear elevation and bin storage and planting to the front. The driveway would also be extended across the front of the site.

The two storey side extension would be set back from the front elevation by 1.2m and the side elevation would be built 300mm off the shared boundary with no.501 Manchester Road. The rear elevation would be built flush with the existing two storey rear elevation of the house. The roof would be hipped and there would be a flat roof dormer erected on the rear roofplane.

The single storey rear extension would project 4.3m from the original rear elevation and it would measure 8.15m wide. The roof would be flat with a roof lantern and there would be doors to the rear elevation.

The garden area to the front of the site would be replaced with paving to provide a second parking space at the front of the dwelling. The drawings show that the drive way materials would be porous and there would be an area of planting to the rear of the front boundary wall. Also to the front the applicant proposes to erect a timber bin store which would be positioned to the rear of the planting along the front boundary. It would measure 2.27m x 0.75m and it would measure 0.95m tall.

The extension would be rendered a light grey colour to the front and rear elevations. The side elevation would be finished in brick to match the original dwelling and there would be brick quoins to the front and rear corners of the two storey side extension.

Relevant Planning History

N/A

Publicity

Five neighbours were originally notified of the application on 18/11/2022. However, the application was subsequently made invalid due to the possibility that certificate B would be required. A second letter was sent out to neighbours on 01/12/2022 once the application had been made valid.

Following discussions with the agent they submitted revised plans at the end of November and the relevant neighbours were notified of those drawings on 15/12/2022. Four individuals objected to the proposal. A summary of the objections received are listed below.

- Gable end is out of character with the row of properties, which all have hipped roofs.
- The plans indicate the roof tiles would be replaced with slate.
- No discussions have taken place regards the roof for which access to 497 Manchester Road would be required to work on that side of the roof. The whole roof over both properties is the original 1930's roof.
- The flat roof dormer to the rear would affect privacy to the bungalows at the rear of the site and at numbers 497 and 501 Manchester Road. Frosted glass should be stipulated to retain privacy levels between properties.
- The render finish would be out of character with other properties which are finished with brick.
- The shade 'grey' is not specified and could be changed to any colour in the future.
- Car parking would be reduce from 4 spaces to a proposed 2 which would be insufficient for a 4/5 bed house.
- No bin storage area provided or indicated on the plans.
- The extension would be overbearing and would adversely affect their property.
- Cannot properly evaluate the plans as they do not appear to be to scale or have dimensions on them.
- The proposal is not in keeping with the row of houses.
- The 25/45° rule would be contravened with regards to their side window.
- Significant light reduction to their side dining room window.
- It would be in excess of 3m from the current rear building line.
- Front needs to be set back 1.5m from the front building line.
- The applicant states that all works would be carried out on their side but the render would have to be applied from land on the neighbour's side. They advise this would be unacceptable.
- Scaffold would block access to their garage.
- Dormer window would affect privacy at their property.
- Front driveway plans are inaccurate.
- Drawing PL009A the scale is indicated as 1:200. The minimum scale should be 1:100 as per Appendix 2, Section 5c of SPD 6. They cannot accurately measure from this drawing, which is important as it shows the proposed building in relation to the shared boundary with 501 Manchester Road.
- If the house is intended to be multiple occupancy there would be 7 occupants with 1 vehicle per room. this indicates the house does not have enough vehicle spaces.
- No electric charging point shown on the drawings.
- No cycle storage facilities's shown.
- The dormer would have a flat roof rather than sloping.

Following receipt of the neighbours' objections the agent provided revised drawings and the relevant neighbours were notified of the revisions on 05/01/2023. One of the four initial objectors submitted comments in response to the revised drawings.

The neighbour acknowledged that the revised drawings do reflect changes to the materials and construction of the side wall, along with the bin store position. Their comments reiterate their initial objections to the proposal as they feel the proposal would not be in accordance with SPD6 guidelines.

- The roof is still shown as pitched with a side gable and the slab effect on the wall is still present.
- As there are 4 bins in Bury the triple bin store would not be sufficient.
- The drawing showing the front parking is not accurate.
- The proposed car parking at the property is inadequate for the size of the house. Moving vehicles on and off site would be noisy and will affect neighbours.
- They could block the cycle lane parking on the road in front.
- Parking at the front of the house is detrimental to the streetscene.
- The use of render to sections of the front and rear walls is out of context in this row of houses.
- The first floor should be set back to meet the requirements of SPD6.
- The dormer and gable roof would be very intrusive to neighbours.

Following further discussion with the agent supplied revised plans on the 6th and 7th February 2023 and the neighbours were notified on 08/02/23. Three comments have been received and a summary of those comments is listed below.

- The proposal is still excessive and intrusive.
- It does not comply with SPD6 (January 2020) and the application should be rejected and amended so that it complies with the Council policy.
- Light to the side dining room window of 501 Manchester Road will be significantly reduced due to the height and length of the proposed side wall of the single and two storey extensions.
- The 45/25 degree rule is contravened.
- The extension is in excess of 3m beyond the current rear building line. It appears to be 4.5m.
- The roof would be slate but it is currently tiled.
- The dormer has a flat roof and contravenes section 5.1 of SPD6.
- The front render colour is not specified and could be changed to any colour. This is out of keeping with the row.
- Properties have bin storage to the rear. The proposed bin storage to the front would be out of character.
- Parking provision for the extended house would be insufficient.
- There is no provision for an electric charging point for a vehicle.
- The correct front set back has not been used.
- No soakaway or construction materials are shown.
- No indication of the potential for an electric car charging point.
- Materials indicate the existing roof materials as slate but they are tile. This needs correcting.
- The letter dated 09/02/2023 mentions a velux window. This is not shown on the plans and needs to be corrected and amended.
- Section 6.1 of SPD6 states that dormer roofs are to be avoided and are matching the existing roof materials. Insufficient information is given as to the materials to be used, the outer colour and surface. The dormer is shown as grey but the roof is currently tiled. This should be clarified and re submitted as the dormer can be seen from 501 Manchester Road.
- The line of the dormer roof should be 0.5m below the current roof line. From the drawing PL006D it appears to be 0.5m or less. This needs to be checked and clarified.
- There is potential for 4 - 6 people to reside at the property. The number of cars would exceed the car parking provision.
- Moving cars in and out of the site will be noisy and impact neighbours.
- Excessive cars and visitor parking on the A56 will block the cycle lane.
- SPD6 page 22 shows a detrimental parking situation, and this is what could occur at

499.

- The proposals need to be rejected and re-evaluated.
- The single storey rear extension does not comply with SPD6 as it would project in excess of 3m. The proposed extension would be 4.2m which would encroach the 25 and 45 degree lines from the habitable dining room window at no.501. This would have a detrimental effect on light to this room.
- Risk to neighbours from the asbestos garage being demolished. No risk assessment has been included with the planning application
- They're not sure what the 1.5m high planting will achieve on the boundary. This will not shield the bin store from view from numbers 497 and 501 Manchester Road. Over time in rented developments this would become overgrown and more of a hindrance than a benefit.
- It is unclear if the developers intend the use of this property to be a family home or HMO by another name.
- There are common drains running along the front of numbers 499 and 501. They have questioned whether or not United Utilities have been informed and what the effect of the foundations would be.
- Parking to the front garden would be detrimental to the street scene. Proposals should retain adequate privacy.
- Parking to the highway in front would block the cycle lane.
- Retention of the current walls means that car manoeuvres will be difficult, take time and noisy.

Final revised plans were submitted at the end of February 2023. All four original objectors commented on the revised plans. A summary of their objections is listed below.

- The proposal is still in breach of SPD 6.
- On site parking is insufficient for the size of the extended property.
- Cars will be parked on the main road in front causing a hazard and blocking the cycle lane.
- Render would be out of character in the row.
- The extension is too big. It is oppressive. It would be 4.2m beyond the current rear line.
- 300mm gap to the boundary is insufficient. Gutters could overhang the boundary.
- Light would be blocked to their side dining room window.
- No other house stores bins at the front of their property.
- The changes to the roof materials is a positive change.
- The dormer windows would not be in line with windows below and SPD 6 states that dormer roofs should be avoided and materials should match the existing roof materials. The dormer would have a flat roof rather than a recommended pitched roof and grey cladding wouldn't match the current street scene at the back of the row of houses.
- The rear gardens would be overlooked from the dormer. They feel obscure glazing would solve this issue and still allow light to the room
- Drawing PL006F indicates that the dormer would be constructed using a dark composite material and the existing roof is orange tiles. This would create a visual eyesore.
- The 1.2m front set back has been added but SPD 6 states that 1.5m is required.
- Access to the rear of no.499 would be through their own house. As a neighbour they would not grant them access over their land.
- No discussions regards the boundary and party wall have occurred.
- All dimensions should be shown on the planning drawings to ensure full compliance rather than having to scale off.
- Cycle storage is not provided, not is access now the side access would be blocked.
- No electric charging points are provided as part of the scheme.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to the revised plans received.

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

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.

In terms of terracing SPD 6 states that a two storey side extension which would be adjacent to a boundary should have a first floor set back of at least 1.5m to ensure that terracing would not occur should the adjacent neighbour choose to extend their property in the future. However, a lesser set back could be acceptable depending on the proximity of the extension to the relevant boundary, or where there are different house types, or a short row of properties. With the side elevation of the extension set off the shared boundary with no.501, the 1.2m set back at the front would mitigate the appearance of terracing to an acceptable degree and as such complies with general guidance in SPD 6.

In terms of general appearance, the front elevation would be rendered in a light grey render. As the area of render would be modest, it would not impact on the overall character of the building and wider streetscape. The quoins to the front and rear corners of the two storey extension add a traditional feature that would be considered acceptable on this property. There are different styles of properties along Manchester Road as well. With this in mind the proposed two storey side extension would not be considered harmful in terms of the character of the existing street scene.

The single storey rear extension would be rendered but as this would be to the rear of the property it would not be visible in the public realm and as such not considered detrimental in terms of visual amenity.

The dormer to the rear of the dwelling would be built on the original part of the roof and as such could be erected as permitted development. Whilst the proposed finished materials may not match the existing roof completely they would be considered acceptable in this location, particularly because the structure would be to the rear of the dwelling and therefore not visible from the public realm to the front.

The front boundary wall would be retained and planting added along the front boundary measuring 1.5m. This would be considered in keeping with the surrounding area. To the rear of the planting a timber bin store would be constructed to house the refuse bins. The store would not be visible from the highway in front due to the planting along the boundary. With this in mind the bin store would be considered acceptable in this location.

The proposal to widen the existing parking area on site is possibly something that could be carried out as permitted development. However, it is noted that the proposed parking arrangements would be similar to other properties along Manchester Road, in particular to no.497 next door which has two parking spaces to the front of the house and no.501 which is completely paved to the front and side of the dwelling.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- At the front there would be around 7.6m from the front of the side extension to the front boundary. This distance would be considered acceptable in terms of on site parking which requires at least 5m from the front of an extension to a boundary with the highway.
- At the rear there would be 11m from the single storey extension to the rear boundary and around 15.5m from the rear of the two storey extension and dormer. These distances would be acceptable in terms of SPD 6 and they would not be any significant detrimental effect on privacy levels at properties to the rear.
- With regard to the rear dormer, only direct views from new windows would be taken in to consideration. As such although users of the new room may have some views across

- to adjacent gardens it would not be considered detrimental enough to warrant refusal.
- As the two storey extension would be built on the south side of the original dwelling it would have no detrimental impact on residential amenity at no.497 Manchester Road, attached to the north side.
- The single storey rear extension would project around 1.6m past the rear elevation of a single storey extension to the rear of no.497 and the side elevation would be around 390mm off the shared boundary. There would be no concerns regards encroachment or residential amenity at this property.
- No.501 to the south side has a detached garage to the rear of the site directly adjacent to the site, which would naturally block most ground floor views of their garden from the rear windows of the proposed extension.
- The proposed two storey side extension would not project beyond the rear elevation of no.501.
- The single storey rear extension would project beyond the rear elevation of no.501 next door but the 45° rule would be satisfied with regards to the kitchen window on the rear elevation.
- There are several windows to the side elevation of no.501 to the south. One of the ground floor windows does service a dining/morning room. Although this window is an original window it is noted that the main habitable room windows to the front and rear elevations of a dwelling would be afforded the most consideration when assessing a planning application. Light to this window would be hindered by the existing property and would be affected more by the two storey extension. However, given that there are main habitable room windows to the front and rear elevations of no.501 it would be those windows which would be given the most consideration in terms of Planning. Although there would be a detrimental impact on light to this ground floor side window, it would not be considered enough to warrant refusal of the proposal.
- The bin store to the front of the site would be positioned well away from the front elevation of the application property and adjacent properties so it would not have a detrimental impact on residential amenity.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties and the 45° rule from nearest relevant window of the adjacent property

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 would have two parking spaces to the front of the site following the side extension being built. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

Most of the objectors' comments have been addressed in the Visual and Residential Amenity sections in the report above. Some other points raised are addressed below;

- No access at 501 Manchester Road would be granted during the building works or following completion for future maintenance. - This would be considered a civil matter that the applicant and their neighbours would need to discuss privately if needed.
- Existing garage would be removed and they are concerned about asbestos - This is not a Planning matter and does not affect the decision.
- All dimensions are not shown on the drawings - Some dimensions are annotated on the drawings but they are to scale and therefore can be measured using the online measuring tool.
- Concerns that the home will be a house of multiple occupancy (HMO) - There is nothing to suggest that the property would be used as an HMO but it is noted that a property could be converted to an HMO for up to 6 occupants without the need for prior planning

- permission.
- Parking on the main road in front could be a hazard and would block the cycle lane - This would be a Highways concern, not a Planning consideration.
- In the neighbour letter sent out on 09/02/2023 the proposal states there would be a velux window to the property. This is not shown on the drawings. - This was clarified with the architect and drawings amended.
- One objector advised there is a main drain running across the front of the site and wanted to know if United Utilities had been consulted. - The Council maps show that the main drains and sewer pipes run under the highway in front and not within the site. As such there was no cause to consult with United Utilities regards this application.
- Planting along the front boundary would become overgrown, which would become more of a hindrance. - The objector is making assumptions that the home owner would not take care of the planting. There are many properties in the immediate vicinity of the site that have planting to the front boundaries. Therefore, the proposed planting would be considered to be in keeping with the existing streetscape.
- The dormer appears to be less than 0.5m lower than the ridge (as stated in SPD 6) - The plans show that the dormer would be around 150mm lower than the section of new roof and around 460mm lower than the main ridge of the existing part of the roof. This would be acceptable in terms of SPD 6.
- Single storey rear extension is excess of 3m from the rear elevation. - This has been addressed in the report above. It appears that the objector may have misunderstood SPD 6. In terms of permitted development a single storey rear extension should normally project 3m or less on an attached property. If the home owner wishes to build something larger they need to apply for planning permission, which is what the applicant has done.
- Parking to the front would be an eyesore - The proposed parking arrangements for two vehicles at the front of the dwelling would be very similar to the parking arrangements at 497 Manchester Road next door, as well as severally other nearby properties.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy Nos EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations and the Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties.

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 of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawing numbered PL004 received on 29/09/2022, drawings numbered PL002 and PL003 received on 18/11/2022 and drawings numbered PL005C and PL009F received on 25/02/2023 and drawing numbered PL006F

received on 28/02/2023 as modified by the emails from Mr Thomas Chivers dated 18/11/2022, 25/02/2023 and 28/02/2023. The development shall not be carried out except in accordance with the details hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties

- 3 The external finishing materials for the proposal hereby approved shall be as shown on the approved plans.

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 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose 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.

- 5 The revised car parking arrangements indicated on approved plan reference PL009f, incorporating the extension of the driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, any highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, demarcation of the limits of the adopted highway and retention of the existing boundary wall shown to prevent vehicle encroachment of the highway verge, shall be implemented prior to the extension and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 14/03/2023		DM 14/03/23	