

DELEGATED REPORT

Report by Amanda

Date of report: 19/12/2022

Ref:68780/FUL

Uhunmwagho

Registration: 08/09/2022

LDfC: 13/10/2022

Expiry Date: 03/11/2022

Site Visit: 05/10/2022

Site Notice: N/A

Press Date: N/A

Objections: 3

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; Single storey rear extension; Garage conversion

Location: 16 Mayfield Road, Ramsbottom, Bury, BL0 9TB

Description

Planning permission was previously granted at this property in March 2022 for a similar development. The main difference between that and the current proposal is that the two storey side extension would be positioned further towards the existing front elevation and it would be three storey rather than two storey.

The application relates to a two storey dwelling house with a single storey rear extension and garage to the side. To the front of the house there is a good sized garden with parking available on the site for at least two vehicles. There is a red brick wall and pillars to the front boundary and a hedge.

To the rear of the house there is a large garden with fences to all boundaries and some planting. The property and patio area are slightly higher to the main garden area to the rear. The garage belonging to no.18 Mayfield Road is built directly adjacent to the shared boundary and projects past the rear of the existing garage on site. There are two small windows in the side elevation. This property is currently being extended. No.14, attached to the opposite side has a patio area covered with a canopy and a small single storey rear extension adjacent.

The proposal is to build a two storey side extension to the front of the garage, convert the garage in to living accommodation and add a single storey extension to the rear. The two storey extension would project 6m forward of the existing garage. The first floor would be built flush to the ground floor at the front. The roof would be pitched with windows to the front and rear elevations.

The single storey rear extension would project 6.09m beyond the rear elevation of the existing garage and it would measure 3.47m wide. Part of the roof would be pitched over the converted garage but the main part of the rear extension would have a flat roof with parapet wall and a single raised rooflight to the centre. There would be a window to the rear elevation and bi-folding patio door to the side. The existing patio would remain as it is.

Relevant Planning History

67875 - Two storey side extension; Single storey rear extension; Garage conversion - Approve with Conditions 18/03/2022

Publicity

Six neighbouring properties were notified of the proposal on 22/09/2022- Two objections were received with regard to the original plans submitted with the application, which included a three storey side extension. A summary of their comments is listed below.

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- The development would be inescapably dominant in the street scene, specifically due to the addition of a third storey.
- It would be out of character with the overall neighbourhood.
- The area has been developed in such a way to preserve the sense of space between properties, which is so integral to a street of period homes in a semi-rural area.
- They feel that there should be a condition to maintain the half render finish to front and side elevations in order to minimise the oppressive appearance to their property.
- The increased massing of the amended design will be overbearing to their property, leading to overshadowing and loss of light to a number of rooms, including family bathroom, utility room and garage (used as a gym).
- The utility room window will directly overlook their patio, leading to loss of privacy.
- The three storey extension so close to the boundary would create an oppressive environment to the passageway at the side of their home.
- There would be a detrimental impact on solar panels at their property.
- It needs to be considered that any flues or extractor fans are not located near their property and instead directed within the applicant's boundary.
- There is a concern about over development of the site - massing/scale, loss of garden/domestic curtilage and layout and density of the building.
- The properties on the road, uniquely for the area, have large rear gardens requiring substantial maintenance and landscaping and therefore access to the rear of the properties is important to maintain for its upkeep.
- The proposal is a bland, featureless, high-extension which not only compromises the period integrity of the house itself but it will encroach on the neighbouring property and also detract from the design of the adjoining house.
- The upper window will compromise my own privacy as I live directly across from no 16 and it would be immediately opposite to my bedroom areas.
- The use of office areas within the property is questionable.

Following discussion with the agent/applicant it was decided that the proposed three storey side extension would be inappropriate in the streetscene and as such the side extension was reduced to two storeys and revised plans were submitted on 27/11/2022. Neighbours were notified of the revisions on 02/12/2022 - One objection was received with regards to the revised plans. A summary of the objections are listed below.

- They are concerned the proposed extension would continue to significantly impact upon the streetscene due to the extension being built almost to the front of the property and directly along the side boundary.
- All properties along the road have either left a passage way to the side or have recessed their extensions significantly back from the front elevation.
- They are concerned about terracing which is not in keeping with the other local residences.
- It would be overbearing.
- The extension would significantly overshadow their side windows to the family bathroom, utility room, en-suite and kitchen windows.
- The proposal would appear dominating and runs the risk of impacting upon the efficiency of their solar panels, which were situated as recommended by the installer.
- The proposed utility room window, even if obscured, directly overlooks the boundary and patio to their rear patio and kitchen bi-fold doors. This feels intrusive and inappropriate.
- They believe the effects could be reduced by not extending as far forward as proposed and/or if the roof would be hipped. By hipping the roof they feel it would not impact upon the proposed living space and would be some way of reducing the negative effects. In addition it would provide a symmetry with our own hipped roof – and reduce the asymmetry of the rooflines within the proposed plan.
- The removal of the proposed utility room window feels appropriate, especially in view that it will also have a roof light.

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.

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.

Normally where a two storey side extension would be built in close proximity to a shared boundary a first floor set back would be required in order to ensure terracing with the neighbouring property does not occur. However, in this instance as the whole of the extension would be set back from the main front elevation by 2m there would be no requirement for a first floor set back and as such the flush front elevation would not be considered detrimental in terms of terracing and would be acceptable in terms of SPD 6.

The proposed design and finished materials would be considered to be in keeping with the existing dwelling and would not cause any significant harm in terms of the existing streetscene along Mayfield Road.

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 -

- There would be around 29m from the front elevation of the two storey side extension to properties on the opposite side of Mayfield Road to the front. This distance would be more than sufficient not to have any significant detrimental effect on residential amenity at these properties in terms of privacy and overshadowing.
- There would be at least 20m from the rear elevation of the proposed single storey rear extension to the rear site boundary which would be more than sufficient in terms of SPD6.
- The single storey rear extension would not project past the neighbouring detached garage. Although there are two small windows to the side of the neighbouring garage the garage would not be considered to be habitable. The garage also has windows to the rear and opposite side elevations.
- There would be around 7m from the proposed bi-fold patio doors of the single storey rear extension, to the shared boundary with no.14 next door. This distance would be acceptable in terms of the requirements of SPD 6 which states that there should be at least 6.5m from a ground floor habitable room window to a boundary. In addition as the floor to the extension would be at the same level as the garden, with steps leading down in to the room from the main property, any views from the new room would be directed towards the boundary fence and applicant's garden areas only.
- At the front the side extension would be set back from the original front elevation by 2.96m. There is a two storey side extension with no habitable room windows to the side elevation currently under construction at no.18 next door. As none of the side windows would be to habitable rooms it is considered that there would not be any significant detrimental effect on residential amenity at that property.
- The front elevation of the side extension would be approximately 10m from the front boundary and the plans show that the applicant would be able to park two vehicles directly in front.
- The ground floor utility room window would be positioned directly adjacent to the shared boundary with no.18 next door. This may give users of that room some opportunity to look over the boundary fence. However, as a utility room is not considered to be a habitable room there would be no requirement for this window to be obscurely glazed.
- The extension would be very close to the neighbouring extension at no.18 Mayfield Road and as such it would block much of the natural light from any side windows at no.18. However, as none of the windows to the side of no.18 would be to room considered to be habitable this would not be a reason to refuse the proposal.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking for up to three vehicles to the front garden and drive. There is also ample on street parking along Mayfield Road and 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 neighbours' concerns have been addressed in the report above and with the submission of revised drawings. With regards to the comment about preserving space in between properties, there is currently nothing in policy that prevents extensions being built right up to a shared boundary and so unless there is some other reasoning as to why an extension shouldn't be built directly adjacent to a shared boundary this would not be a reason to refuse a proposal.

Concerns regards the side extension being three storeys high have been addressed by the submission of revised plans reducing the side extension to two storeys.

Properties along Mayfield Road all appear to have good sized front gardens and very large rear gardens. With this in mind even if the property is extended the site would not be considered to be over developed.

The possible impact on solar panels at a neighbouring property would not be a Planning consideration. If there are concerns regards solar panels both parties would need to discuss this directly.

There are no details on the plans regards extractor fans or flues. This may be of concern once the Building Regulations application is submitted but it would not be a Planning concern in this instance.

With regards to comments about having no external access to the rear of the property for garden maintenance etc as previously stated there is no current policy preventing anyone from building a structure directly adjacent to a shared boundary. If the home owner chooses to access the rear garden through the main dwelling then that would be their choice.

In respect of the proposed office at the property many properties have office space at home, especially in light of the Covid pandemic in recent years. There is no reason to think that the proposed office space is for anything but home working.

Applicant's response to neighbour objections to the original proposal which included a three storey side extension -

The applicant sent in a response to the neighbours' objections. A summary of their comments is listed below;

- The neighbour has recently extended their own property to the front and side.
- The neighbour's extension projects forward of the building line, whereas theirs would be set back.
- They advise their extension would be subordinate and in-keeping with their existing property.
- Their extension would not cause any harm to the character of the street scene.
- The reference 'third storey' is a misleading comment. The overall height of the dwelling would not be increased. They are simply providing additional third floor space to the existing loft.
- Unlike the neighbour's extension theirs would be set considerably back from the front

elevation of the property, therefore not competing or dominating with the design of the original property.

- Their extension doesn't extend along the full extent of their side elevation, whereas the neighbour's does. They accept this even though they have a clear glazed kitchen window facing them.
- They advise the finished materials of their extension would be render and brick to match the existing property and the render to the side elevation would not be readily visible in the street scene. They advise they would accept a planning condition regards materials if necessary.
- The proposal is not oppressive in any way. The side extension would occupy less footprint than the side extension at the neighbouring property which was recently approved by the Council.
- With regards to the side extension being overbearing and causing loss of light they advise that this isn't based on any objective analysis and they point out that the windows to the side of the neighbours property are to non-habitable rooms only. The proposals would not have any impact on principal windows belonging to the neighbouring property.
- The proposal would not lead to 'oppressive' living conditions for the occupiers of the neighbouring property and the extension would provide much needed living accommodation for a growing/enlarged family unit.
- There is no evidence to show that the proposals would have any impact on the neighbour's solar panels. In any event this would be a civil matter not a material planning consideration.
- All of the proposed development would be within their own boundaries. They would not locate fans, flues or extractor fans on land owned by another party.

The applicant has not submitted any response to the recent objection received with regard to the revised plans submitted on 27/11/2022.

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 drawings numbered brandrick/01 and brandrick/02 received on 15/08/2022, revised proposed drawings numbered brandrick/03 and brandrick 04 received on 27/11/2022 and revised existing and proposed site drawing numbered brandrick/05 received on 15/12/2022 as modified by the emails from 35 The Studio Limited. 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

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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 match those of the existing building.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 19/12/2022			