

Description

The application relates to a semi-detached dwelling located on Albert Avenue. The site is located within a row of semi-detached properties, with flats directly facing. To the front of the property there is a small court yard the boundary of which is depicted by low red brick walls. To the rear of the premises is an area of raised decking that accesses a long garden, that is sited at a lower level than the ground floor of the premises.

Planning permission is sought for the subdivision of the existing dwelling into 2no. flats. A ground floor and basement flat is proposed with 3 no. bedrooms. A first floor and loft flat is proposed with 4 no. bedrooms. The proposal also includes the provision of a front porch the projects approximately 1125mm, a single storey rear extension that projects approximately 5850mm and a two storey extension with basement that extends approximately 3042mm. A loft conversion with provision of a hip to gable and dormer extension is also proposed.

Relevant Planning History

69556 - Prior approval for single storey rear extension - Prior Approval Not Required - Extension 24/05/2023

Publicity

Neighbour letters sent 14/07/2023. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - recommendation for refusal due to substandard access and parking arrangements and insufficient information in relation to bin storage.

Waste Management - No response

Environmental Health - Contaminated Land - The Environment Section has assessed the application and has no comments to make regarding contaminated land or air quality.

Borough Engineer - Drainage Section - No response

Environment Agency - No response

United Utilities (Water and waste) - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Principle (Residential)

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the

Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary and there are residential properties *at first floor within the row. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Layout and Design

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. Policy H2/4 - Conversions requires the application to be assessed in relation to the general character of the area, and the existing concentration of flats and the effect on the street scene of any changes to the external appearance of the building. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The immediate street scene is depicted by semi-detached dwelling houses. A block of purpose built flats directly faces the site. The front boundaries of properties within the row that the site is located are depicted by low level red brick walls, some with hedges or elements of soft landscaping behind. Any visible extensions within the street scene are limited to those associated with a residential/householder use.

The design and layout of any new additions, or uses within the context of this street scene needs to be carefully considered, especially when reviewing the most recent updates to the NPPF with it's focus on design and the National Design Guide. The NPPF makes it clear that creating high quality buildings and places is fundamental with Paragraph 126 stating "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by " an appreciation and understanding

of vernacular.....including existing built form, landscape and local architectural precedents."

Whilst porches are not generally visible on the neighbouring dwellings, the introduction of a pitched roof porch that projects at no real greater depth than the bay windows, would not overwhelm the dwelling and therefore would be acceptable.

The proposal seeks to introduce a hip to gable extension, and rear flat roof dormer that would extend the full width of the roof slope. This extension would appear as a flat roofed three storey extension when viewed from the side and rear. The additions to the roof would therefore appear out of place and as an intrusive feature. The addition of further flat roofs at first floor, and ground floor further exacerbate this intrusive feature that is out of character. The cumulative impact of 3 separate flat roofs on the rear elevation would be unacceptable and seriously detrimental to the character of the property.

It is acknowledged that rear dormers can be constructed under permitted development on individual dwelling houses, and dormers and flat roofs can be seen along the row. Whilst this is a material consideration they are restricted to the size limitations which would be smaller than that as proposed. Whilst noted that there are examples of flat roofs that are visible within the street scene, this should not be used as a fall back position to introduce further discordant features and as such this element of the design can not be supported.

The proposed windows on the rear elevation are not aligned and include various widths, and heights that bear no relation to each other. This configuration of windows leads to a incoherent rear elevation. Whilst this is the rear elevation of the property, and not visible from the street scene it should not be utilised as a reason for poor design.

Paving over front gardens for parking can be harmful to the character of the street scene. The majority of the dwellings within the row maintain boundary walls to the front of the properties. Whilst these are examples of frontages with now walls within the street scene, they are not the prevailing form of boundary treatment within the immediate street scene and it is considered that the proposed removal of the wall to create a parking area is neither appropriate to, nor sympathetic with the existing streetscene, and would be detrimental to the visual amenity of the area.

Details in relation to materials could be dealt with by means of condition.

The design of the proposed rear extensions and car parking area is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area.

UDP Policies H2/1 and H2/2 require good quality residential environments and consideration of the density and character of the area. Paragraph 122 of the NPPF states that LPAs should take into account "the desirability of maintaining an area's prevailing character and setting (including residential gardens)". The need for carefully designed open spaces, and gardens is also highlighted in the MHCLG National Design Guidance.

The proposal would include the subdivision of the existing dwelling, but only appears to retain amenity space for the ground floor unit with no private amenity space, or access to the garden area shown on the submitted plans for the upstairs, 4 bedroom unit. Given the number of bedrooms associated with the upstairs unit this is considered to be unacceptable. The proposed amenity space would therefore fail to reflect the quality of the residential amenity space of the neighbouring properties within the row.

An area of bin storage is shown to the rear of the property but it does not identify if this area is sufficient to contain the 8 bins that would be required for the proposed subdivision. The application and submitted plans contain insufficient information to ensure that bin storage arrangements for the development will be provided within the curtilage of the site in

accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Residential Amenity

UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. This is further supported by UDP Policies H2/1 and H2/4 that require the consideration of the impact of developments on residential amenity, and amenity of the occupiers.

There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case. This document would also be reasonable guide for the assessment of the proposed extensions to the rear of the property given the context of the site.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

Any assessment will take into account significant change in levels or new accommodation to be provided at a higher storey. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases. This will be applied for this application site due to the differences between floor levels, and garden levels.

The attached dwelling at No. 56 has not been extended to the rear. A prior approval for a 6 metre extension has been granted at the proposal site. It should however be noted that the gardens for these properties are at a lower level than the ground floor levels of the dwelling and as such an extension built under prior approval, complying with the height limits would have less of an impact on the ground floor windows of the attached property than the proposal extension even though they are of similar depths.

The proposed ground floor and basement extension would project approximately 5850mm beyond the ground floor of the rear of No. 56. The proposed first floor rear extension would project more than 1 metre beyond the rear of No. 56 contrary to guidance set out within SPD 6. Whilst the ground floor would project to similar depths as a larger homes extension, and no objections have been received the combined impact of the proposed ground floor and proposed first floor would be unduly overbearing on the ground floor windows and garden space of the attached neighbour. The corner of the first floor attached to no. 56 has been chamfered, but it is unclear what calculations have been used to dictate where this chamfer should start and why this chamfer would make the application acceptable in relation to residential amenity.

The property to the west of the site (No. 52) has been previously extended at ground floor and first floor. The proposed ground floor/basement extension would not project more than 3 metres beyond the rear of No. 52. The proposed first floor would not project beyond the existing first floor of No. 52. As such it is considered that the proposal would not have an unduly overbearing impact on the amenity of this property.

The proposed side basement window facing towards No. 52 would relate to a wet room

which is a non-habitable room, and would face towards the blank side elevation of the extension of the adjacent property as such no overlooking foreseen. The proposed rear basement windows would be screened by existing boundary treatments.

The proposed side ground floor windows facing towards No. 52 would again relation to non-habitable rooms (ensuite and bathroom) and would face towards the original side elevation of this property. The proposed rear ground floor windows would be located over 7 metres from the directly facing rear boundary. The front ground floor window would retain a habitable room use as existing.

The proposed side first floor windows facing towards No. 52 would again relation to non-habitable rooms (stairs and bathroom) and would face towards the original side elevation of this property. The proposed rear ground floor windows would be located over 10 metres from the directly facing rear boundary. The front first floor windows would retain a habitable room use as existing.

The proposed rear dormer windows would be located over 13 metres from the directly facing rear boundary.

No windows are proposed facing towards No. 56.

Highways and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

UDP Policy H2/4 requires the Council to have regard to the car parking and servicing requirements following the conversion of a building. SPD 11 provides guidance on the provision of adequate parking facilities for development.

The proposed block plan shows an area to the front for "car parking". This area however is approximately 3.4 metres in depth which is substandard to ensure that a car can be parked without overhanging the adopted highway. It is noted that some other similar arrangements on this street have are visible, however these have not been agreed to and have simply been implemented by residents removing boundary walls and crossing the footway illegally.

Car parking in the locality relies on, on street parking, and the introduction of an additional 4 bedroom unit, and the removal of a space to the front of the existing property through the introduction of a car parking area, even if it is substandard would impact on availability of on street parking for existing residential units.

Conclusion

Overall, the subdivision of the unit into 2 separate dwellings, and the introduction of large extensions to facilitate this would result in over development of the site that has lead to extensions and alterations that are of a poor design, lack of residential amenity space and impacts in relation to highway safety and bin storage. As such the proposal should be refused.