

DELEGATED REPORT

Report by Amanda

Date of report: 07/02/2025

Ref:71400/FUL

Uhunmwagho

Registration: 17/12/2024

LDfC: 15/01/2025

Expiry Date: 11/02/2025

Site Visit: 15/01/2025

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side & rear extension; Rear dormer

Location: 99 Radcliffe Road, Bury, BL9 9LD

Description

The application relates to a detached bungalow with a garage to the side. At the front there is a garden and driveway and along the front boundary there is a wall with railings along the top. Access to the rear garden is via a path at the side of the house. Derby High School is opposite the front of the site.

At the rear there is a single storey extension and patio area. Beyond that is a large garden area with short fences and planting to all boundaries. There is also a detached outbuilding in the rear garden.

The proposal is to build a single storey side and rear extension and a rear dormer. At the front the extension would project 1939mm to the side of the existing garage and the side elevation would measure 17,733mm long. The rearmost part of the extension would measure 4709mm wide and then it would be stepped back by 5110mm. The extension would project 4500mm along the shared boundary with the attached neighbour and the roof would be flat and there would be two roof lanterns.

The first floor dormer would measure around 6896mm on the north east side and 3440mm on the south west side. The dormer would provide 3 first floor bedroom (2 with en-suite bathrooms) and a bathroom. The plans show that the dormer would be built right up to the north east side elevation.

Relevant Planning History

N/A

Publicity

9 neighbours were notified on 20/12/2024 - one objection and one comment have been received.

Objection -

One objection relating to a window. No other issues. Spoken to applicant and advised skylights will be used and no window.

Our property received approved planning permission in 2022 and works are underway.

The bedroom window of 99 will be approximately 1m away from our dressing room window. Our extension is stepped so windows are square to the front of the property. 99 is being built following the boundary, which is slanted.

The window being square on would still pose an issue but this is increased due to the slanted boundary.

As you can understand a dressing room serves the purpose of exiting the en suite and getting dressed. In this situation it isn't ideal that it is overlooked especially at the very close distance and on the other hand we would have direct sight approximately 1 meter away into the bedroom of 99.

Again, I have spoken to the applicant at 99 I am happy with the rest of the plans just the fact that sky lights are used and no window as agreed.

Comment -

Small shared boundary has inadequate fencing with both parties being able to enter and see into each other's property/garden, although we will not be affected by the development as much as our neighbours, the whole boundary fence being replaced with privacy fencing would in my opinion benefit both the applicant and all other concerned parties regarding both privacy and security.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations
PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

When viewed directly from the front the design of the proposal would appear to remain in keeping with the existing building and as such it is considered it would not have any significant detrimental impact on the character of the existing streetscene.

However, although the proposal states that there would be a rear dormer, it is actually more like a two storey rear extension as the 'dormer' would be built up to both side elevations. This would result in a large flat roof that would project 6896mm along the shared boundary with no.97 next door. This would not be considered to be in keeping with the existing property and the large expanse of brick work and flat roof would not be aesthetically pleasing when viewed from the neighbouring property/garden. As such the design of the proposal is not considered to be in keeping with the existing building.

Given the above the proposal does not conform 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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There are no residential properties directly to the front of the site and properties to the rear would be more than a sufficient distance from the extended dwelling not to have any significant detrimental effect on residential amenity at those properties.
- The rear dormer extension would not project beyond the rear elevation of the existing property. As such this would not have any significant detrimental impact on residential amenity at no.99a, attached to the south side.
- The single storey rear extension would project 4500mm along the shared boundary with no.99a which is more than the recommended 3000mm as stated in SPD 6. However, as the neighbour has not objected to the proposal the projection of 4500mm would be

considered acceptable under the Larger Homes Scheme.

- There would be no windows in the side elevations facing no.99a Radcliffe Road.
- The agent has signed certificate A stating that all works would be carried out within the residential curtilage of the site.
- To the rear of the site there is a large garden and there would be over 25,000mm from the rear of the extension to the rear boundary.
- At the front of the site there would be around 7200mm of drive length directly to the front of the new garage. This would be acceptable in terms of SPD 6.
- No.97 Radcliffe Road to the north east is currently being extended. There will be a two storey side extension and a single storey extension to the rear, and there would be an access path to the side adjacent to the shared boundary. As such the proposed extensions would not have any significant detrimental impact on the amenity areas at no.97.
- SPD 6 states that a first floor habitable room window should be at least 7000mm away from a boundary in order to retain privacy levels between properties/sites. The drawings show there would be a first floor bedroom window on the side elevation directly adjacent to the shared boundary with no.97. This would result in direct overlooking of the neighbouring site and would be contrary to requirements set out in SPD 6.

Given the above the proposal does not conform 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 the sub-standard aspect distance from the proposed first floor bedroom window to the side elevation to the boundary with no.97 Radcliffe Road.

Parking -

The proposal would increase the number of bedrooms from 2 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 as existing has an area at the front for parking two vehicles and this would remain following the side extension which would be set back from the front of the property. There would also be space for a vehicle in the new garage. As such there would be 3 parking spaces within the site. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection and comment -

One neighbour commented that the site has inadequate fencing and they feel that if the whole boundary fence were to be replaced it would benefit both the applicant and their neighbours. This would be considered to be a civil and it does not affect the outcome of the application.

The objection regards the proposed bedroom window to the side elevation has been addressed in the residential amenity section of the report above.

The neighbour did state they had spoken with the applicant about the position of the bedroom window on the side elevation and were advised that the window would be removed and rooflights would be added to the bedroom instead. Unfortunately no revised drawings have been received. As such the proposed drawings originally submitted have been used for the assessment of the proposal.

Conclusion -

The proposal is not considered acceptable in terms of visual and residential amenity and does not conform to the Bury Unitary Development Plan Policy 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 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 design of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed extension would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of 97 Radcliffe Road by reason of the sub-standard distances between habitable windows on the side elevation of the proposed extension and the shared boundary with that property. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposed development would, by reason of its size, position and large flat roof design, be a prominent and intrusive feature in the street scene, as well as when viewed from the adjacent property and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: 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>
AU - 07/02/2025		DM	07/02/2025