

DELEGATED REPORT

Report by Tom Beirne	Date of report: 27/01/2022	Ref: 67788/FUL
Registration: 12/11/2021	LDFC: 09/12/2021	Expiry Date: 07/01/2022
Site Visit: 05/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey front and rear extension; Changes to the front elevation/windows and doors and gable end to both sides of roof

Location: 26 St Josephs Avenue, Whitefield, Manchester, M45 6NT

1.

Description

The application relates to a two storey detached house on a residential estate of similar properties. There is a detached garage at the front and single storey outrigger and conservatory at the rear. The rear gardens of houses on Peveril Close back onto the shared side boundary of the site. The adjacent property at No.28 St Joseph's Avenue has not been extended.

At the front there would be a two storey extension, extending out about 1 metre from the current front elevation at ground floor level. The extension would including piked gables carried over onto the new roof. The roof would be altered to increase the ridge height and hipped. The two storey rear extension would extend out 3m and run across the width of the house. Part of the existing single storey rear extension would be retained to form a single storey extension projecting off the two storey rear extension. Other external alterations include new full height windows at the front and a rendered finish.

Relevant Planning History

02489/E - Two storey rear and part two storey front extension - Enquiry completed 01/10/2020
44132 - Two storey extension at side; conservatory at rear - Approve with Conditions 15/04/2005
66972 - Two storey front and rear extension, Changes to the front elevation, gable end to the both sides and rear dormer - Refused 24/08/2021

Publicity

Immediate neighbours notified by letter dated 18/11/2022. Three objections - summarised below:

- This is an obtrusive structure that will have a detrimental impact on neighbouring properties.
- The 2 story rear extension will still impact on light, aesthetics and privacy to my garden.
- As per the previous planning rejection "the proposed plans will have a detrimental impact on the amenities to the properties on Peveril Close due to size and height and position"
- Whilst these revised plans are reduced in terms of size of structure I cannot see how they won't have the same impact.
- I would also like to understand how they plan to do such an extension without impacting neighbouring properties during any building works as they are close to the boundary wall where there are existing trees.
- Whilst the dormer has now been removed from the application, the revised plans do not

show any change to the proximity, size and scale of the remaining proposed extensions, so would still create an increased sense of enclosure from the property and also result in loss of light.

- No further information has been provided regarding how it is intended to build up to the boundary when there are existing trees and shrubs in situ, in the gardens of the Peveril Close properties. These are adjacent to, but beyond, the applicant's boundary.
- This is of particular importance, as a section of the South East elevation of this property has previously been extended to the proposed position up to the boundary. The same circumstances applied and on this occasion Hawthorn trees, a boundary fence and railings, that were all beyond the applicant's boundary, were removed without any prior discussion or warning and this should not be allowed to reoccur.

Statutory/Non-Statutory Consultations

None relevant.

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 - It is noted that the house is not particularly prominent within the streetscape, situated at the end of a cul-de-sac/spur off St Joseph's Avenue and surrounded by houses of similar scale.

Whilst our guidance in SPD6 suggests that large two storey extensions at the front should be avoided, the extensions in this case would not extend out excessively and are not so significant within the wider streetscape and therefore are, on balance considered acceptable.

With the previously proposed rear dormer omitted and the gable ends altered to form hipped roof style more reflective of surrounding properties, the revised proposals in design terms, whilst changing the appearance of the house quite significantly, are now considered to be generally acceptable and not so incongruous as to warrant refusal of planning permission. The proposal is acceptable and complies with UDP Policy H2/3 in terms of visual amenity.

Residential amenity - The house has previously been extended to bring it adjacent to the boundary with rear gardens on Peveril Close and the additional extension along this boundary, both at the front and to the rear, is the critical element in the assessment of this proposal.

There would be a separation of around 17m from the side of the house to the rear elevation of houses on Peveril Close and in this respect there would not be a serious impact in terms of views from the rear windows. The main issue would be the impact of the extensions on the amenity of neighbours when in their rear garden areas.

With the extensions to the front and rear, together with the increase in height and formation of a gable end and rear dormer, the previously refused proposal created a very dominant and imposing structure on the skyline along shared boundary which would have a seriously detrimental impact on the amenity of the residents in houses on Peveril Close, particularly Nos. 29 and 31.

This revised proposal with the lower and hipped roof and dormer omitted, has a much less significant impact on the residential amenity of residents in properties on Peveril Close to the south.

The two storey rear extension would extend out beyond the rear elevation of the neighbour at No.28 St Joseph's but would comply with the 45 degree rule in relation to this neighbour.

The revised proposal is now deemed to be acceptable in terms of residential amenity and complies with UDP Policy H2/3 and guidance relating to extensions and alterations.

Access and Parking - The existing access and parking arrangements remain as existing and are acceptable,

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

Concerns regarding the size and massing have been partly assuaged by the hiping of the roof. The concerns about the proposal interfering with the existing boundary wall/fence and planting along the side/south boundary have been clarified and addressed in the revised plans which indicate that the existing boundary treatment would remain in situ. issues with regard to building works along the boundary are a private matter.

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 Sheet 1, 2, 3, 4B, 5B and 6A 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 Before the first occupation of the extension hereby permitted the first floor window on the south/side elevation shall be fitted with obscured glazing, non-opening to a minimum height of 1.7m and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
Tom Beirne	27/01/2022		