

DELEGATED REPORT

Report by Mo Warsame	Date of report: 10/01/2024	Ref: 70236/FUL
Registration: 09/11/2023	LDFC: 01/12/2023	Expiry Date: 04/01/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: HOUS

Proposal: First floor front extension

Location: 21 Philips Drive, Whitefield, Manchester, M45 7PY

Description

The application relates to a two-storey end of terrace house with garden area at front, side and rear, an outbuilding at side and summerhouse at front. The property faces the flats at Linksvie Court.

Planning permission is sought for a first-floor front extension. The extension would be built above the existing porch and would be flush with the existing structure, measuring at 2.1m by 1.85m. The development would have a flat roof and would accommodate a bedroom extension. The proposal would utilise the use of matching materials.

Relevant Planning History

02872/E - Extension of new 2nd storey consisting of 2 Bedrooms and bathroom to end terrace of 4 .

New Single Storey Rear Extension 2.2m proposed under permitted development rights. - ZZZ Special deleted application 15/06/2023

68470 - Lawful development certificate for carrying out a permitted development that consists of extending the property upwards. Added a new floor and raising the roof ridge by up to 3.5m - Withdrawn - Invalid 21/03/2023

69368 - Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed additional storey to create a three storey house (maximum height 9.11 metres)

- Prior Approval Required Refused - ExtPrior Approval Required Refused - Ext 18/04/2023

69772 - Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a three storey house (maximum height 9.11 metres)

- Prior Approval Required Refused - ExtPrior Approval Required Refused - Ext 06/09/2023

23/0374 - Single storey rear extension and re-roof - 13/11/2023

Publicity

Neighbour letters sent. One objection received.

Comments:

The main concern relates to the detrimental impact the proposal would have on the character of the dwelling and the street scene. There is also a believe that; If approved, it would set a precedent for the future. Additionally, the development would have some residential amenity concerns too such as loss of light and reduction/obstruction of existing views.

Statutory/Non-Statutory Consultations

N/A

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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.

SPD 6 states that generally there will be a presumption against large extensions to the front of dwellings due to the need to protect the street scene. The immediate street scene is depicted by terrace dwellings with single storey flat roof porches.

In this instance it is considered that the proposed first floor flat roofed extension would create a large and dominant addition to the front of the dwelling which would be out of keeping with the design, and character of the original dwelling and thus harmful within the street scene. Therefore, it would be detrimental to the visual amenity of the area contrary to Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

It is acknowledged that there is no guidance contained within SPD 6 with regards to the impact of front extension on the residential amenity of neighbouring properties however, in this case it is considered acceptable to apply the principle of rear extensions. The proposed first floor extension above the existing porch would not project beyond the existing porch. Therefore, the first floor addition would have no detrimental on the adjacent neighbours when the 45 degree line is applied. In this instance it is considered that the proposal complies with Policy SPD 6 and H2/3 and would not impact on the residential amenity of the adjacent neighbouring properties.

Response to Objection(s)

The report have addressed the main concerns of the objecting neighbour. Some of the raised concerns are valid and as such, the proposed development would have a significant detrimental impact on the character of the original property and the street scene.

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 proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan.
 - H2/3 of the Bury Unitary Development Plan
 - SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW 10/1/24		DM 10/1/24	