

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 19/11/2024

**Ref:**71071/FUL

Uhunmwagho

**Registration:** 04/09/2024

**LDFC:** 25/09/2024

**Expiry Date:** 30/10/2024

**Site Visit:** 23/09/2024

**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:** Single/Two storey front extension; Single storey side extension; Two storey rear extension; Balcony to rear; Extension of vehicular access with electric sliding gates; Removal of part of front boundary to be replaced with fencing; Extension to existing driveway.

**Location:** 23 Marle Croft, Whitefield, Manchester, M45 7NB

**Description**

The application relates to a two storey detached house with a flat roof garage attached at the front. There is a driveway for two vehicles to the front of the garage. The site is located on a bend on Marle Croft so there is highway to the front and side of the site. There is a hedge along part of the front boundary and along the south side. At the front of the property there is a small garden area and access to the rear garden is via a gate to the side of the house.

The rear garden is separated from the front garden by a fence. At the rear there are two single storey extensions with a patio area running along the rear of the property. The rest of the garden is lawned. There is a hedge along the rear boundary and a fence along the shared boundary with no.25 Marle Croft.

The proposal is to build a single/two storey front extension, single storey side extension, two storey rear extension with balcony to the rear. Part of the hedge to the front of the site would be removed and a 1m high fence would be erected. There would be a new 1m high sliding electric gate for vehicular access and the existing driveway/hardstanding would be extended to the south. There would also be a new path to both sides of the dwelling and a new patio area to the rear.

**Relevant Planning History**

N/A

**Publicity**

11 neighbours notified on 04/09/2024 - 3 objections received. A summary of the objections is listed below.

- The electric gates would not be in keeping with the rest of the road. It also feels like they are closing themselves off.
- In the past there have been a number of occasions where vehicles have been reversed from the driveway at 23 and collided with parked vehicles on the opposite side of the road. I can only surmise that the driver's attention has been focussed on vehicles coming round the blind bend. It certainly doesn't help drivers reversing out of 23 that the existing hedge is higher than the stipulated 1 metre and so obscures their view of vehicles and cyclists coming round the blind bend. The proposal to install sliding gates, which presumably will be higher than 1 metre, will certainly impact on visibility and

- highway safety as well as reducing the number of off road parking spaces.
- We are also concerned that the proposed front pedestrian gate will open onto the pavement. Undoubtedly a high pedestrian gate, coupled with the existing high hedge and proposed high sliding gates, will impact adversely on the visibility and safety of pedestrians walking on the pavement.
  - We are not happy with the balcony wrapping around the side of the house as they will be able to see into our house and it will be unsightly.
  - The massing/scale of the extension would have a negative impact on the streetscene.
  - We presume that another matter for concern is the proposed additional storey at the rear, since it would appear to have a flat roof and project in excess of 1 metre from the rear wall of the neighbouring property.
  - It is imperative for neighbours, who depend on the planning authority to protect their interests, that the case worker produces a thorough report on the proposed alterations and extensions.
  - As the existing hedge will remain on the south boundary, the visible streetscape looking from the south will change dramatically at first floor level. The proposed elevation is a full 2 and one half times the size of the current building at first floor level. This is a highly material development both from the street to the south and must be highly adverse for those living at No.25. Local residents would undoubtedly appreciate an undertaking by the developer that noise, dust and the expected large number of contractors vans will be kept to a minimum and not adversely affect access to their properties.

Revised drawings were received on 06/11/2020 and the neighbours who objected were notified on the 07/11/2024 - No comments or objections have been received regards the revised drawings.

**Statutory/Non-Statutory Consultations**

Traffic Section - The Highways officer objected to the original drawings objected to the proposal on the following grounds;

- The proposal would restrict visibility to sub-standard levels at the junction of the access to the property with Marle Croft and at the back edge of the footway, which would be detrimental to road and pedestrian safety.
- The proposed amended access and parking arrangements are sub-standard, leading to the creation of an overly wide footway crossing onto Marle Croft at a property that already benefits from a satisfactory access onto the adopted highway in the form of the existing double footway crossing, contrary to the requirements and standards of the Highway Authority and to the detriment of the free flow of traffic and road safety.
- The proposal incorporates the creation of an outward opening pedestrian gate, which would be detrimental to pedestrian safety and contrary to the requirements of the Highways Act 1980.
- The application and submitted plans contain insufficient information to confirm how the proposed sliding gate would operate without compromising the ability to parking vehicles within the curtilage of the site or that porous/permeable materials and/or measures to prevent the discharge of surface water onto the adopted highway would be incorporated in the extension of the existing driveway.

**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.

The proposed development would modernise the appearance of the existing building, with the flat roof single storey extensions to the front, side and rear of the building and modern

style doors and windows. However, the building would be finished with red brick which would be similar to other properties in the vicinity.

Originally the proposal was to have a large flat roof two storey rear extension but it was felt that a large flat roof at first floor level would be significantly detrimental in terms of its impact on the streetscene. As such following discussion with the applicant/agent revised drawings were submitted with a dual pitched roof to the two storey rear extension, with a small area of flat roof in between. The flat roof section would not be readily visible from the highway to the south. It would only be visible from the applicant's rear garden, and from the property to the rear of the site.

The balcony would be partially visible from the highway to the south, and it would be a relatively modern feature in this area. However, as it would be just over 7m from the boundary to the side it is considered that it would be far enough away from the boundary not to have any significant detrimental impact on the character of the existing streetscene. The design of the proposal is considered to be in keeping with the existing building.

At the front of the site part of the hedge would be removed and a 1m high fence would be erected along with a new 1m high electric sliding gate for vehicular access. There would also be a pedestrian gate to the front. The drawings state that the fence and gate would be composite and they would be in keeping with a new composite fence to the side of the property, in between the front and rear garden areas.

Boundary treatments to properties around this estate appear to be mostly either soft landscaping or they are open to the highway in front, so the proposed fence and gate would be out of character with the existing streetscene. However, as they would be no more than 1m high they could be installed as Permitted Development, without the need for planning permission. As such there would be no reason to refuse this part of the development. The design of the proposal is considered acceptable in this location.

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, and Places for Everyone Joint Development Plan listed.

**Residential Amenity -**

- Houses to the front, south side and rear of the site would be a sufficient distance from the extended dwelling not to have any significant detrimental impact on residential amenity at those properties.
- There would be around 7.83m from the first floor balcony to the rear boundary. This would be an acceptable distance in terms of SPD 6.
- There would be around 7m from the south side elevation to the boundary with the highway. This distance would be acceptable in terms of SPD 6.
- The hedge to south side of the boundary would remain. As such much of the lower half of the extension would be screened and any views from ground floor windows would be over the applicant's own garden only.
- The front elevation of the extension would be around 6.37m set back from the front boundary and there would be space to park at least two vehicles to the front of the dwelling.
- The revised proposed site plan received on 19/11/2024 confirms that the sliding electric gate would slide across the rear of the proposed fence along the front boundary. As such it would not have any detrimental impact on pedestrian, or vehicle safety on Marle Croft in front.
- The revised proposed site plan shows that there would be sufficient room for the sliding gate to be able to open without hitting any vehicle already parked within the site.
- The drawings note that the new hardstanding to the front, side and rear of the house would be permeable. As such there would be no concerns regards surface water run off onto the adjacent highway or neighbouring land.

- There would be no change to the existing dropped kerb to the front of the site.
- The new sliding gate and fence along the front boundary would be 1m high. This would ensure that visibility would not be hindered for car users moving on and off the site and there would not be any significant detrimental effect on highway safety.
- The pedestrian gate to the front would open inwards, onto the site.
- At the rear there would be a 2m high obscurely glazed privacy screen erected to the north side of the balcony which would prevent direct overlooking of the rear garden at no.25 Marle Croft next door. A condition would be added to ensure the screen remains in situ at all times.
- The site is directly south of no.25 next door so any development would potentially have a detrimental impact on the path of the sun throughout the day. However, the existing property already projects past the rear of this property and the extension would not project much more. As such it would be considered that the extension and rear balcony would not have any seriously detrimental effect on light availability to the rear of no.25 Marle Croft.
- The projection of the two storey extension and glazed privacy screen would equate to around 3.89m past the two storey rear elevation at no.25 and it wouldn't project past the rear of the single storey rear extension at the property.
- The 45° rule would be satisfied with regards to relevant windows to the rear of no.25 next door.
- There would be 4 new windows to the north side elevation close to the shared boundary with no.25. The ground floor windows would be to a study and kitchen, which would be classed as non-habitable rooms and they would face on to the existing boundary fence. The two upper floor bedrooms would be to a bathroom and bedroom (secondary window) and the drawings note that they would be obscurely glazed. A condition would be added to the decision stating that these windows would have to remain obscurely glazed at all times in the future in order to maintain privacy levels between the application property and no.25 next door.
- There would be more than sufficient amenity space remaining within the site following the extension being built.

Taking the above into account 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 and the 45° rule from nearest relevant window of the adjacent property.

### **Parking -**

The proposal would decrease the number of bedrooms from 4 to 3, therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front of the site.

### **Highways comments -**

The Highways officer objected to the original proposal on the following grounds;

- The proposal would restrict visibility to sub-standard levels at the junction of the access to the property with Marle Croft and at the back edge of the footway, which would be detrimental to road and pedestrian safety.
- The proposed amended access and parking arrangements are sub-standard, leading to the creation of an overly wide footway crossing onto Marle Croft at a property that already benefits from a satisfactory access onto the adopted highway in the form of the existing double footway crossing, contrary to the requirements and standards of the Highway Authority and to the detriment of the free flow of traffic and road safety.
- The proposal incorporates the creation of an outward opening pedestrian gate, which would be detrimental to pedestrian safety and contrary to the requirements of the Highways Act 1980.
- The application and submitted plans contain insufficient information to confirm how the proposed sliding gate would operate without compromising the ability to parking vehicles within the curtilage of the site or that porous/permeable materials and/or

measures to prevent the discharge of surface water onto the adopted highway would be incorporated in the extension of the existing driveway. (RR08 Amended)

Following discussions with the agent they provided revised drawings which address the Highways officer's comments. In terms of Highways the usual maximum recommended height for a boundary wall/fence adjacent to a highway would be 900mm. However, in terms of Planning a homeowner could build a wall or fence up to 1m in height as Permitted Development. As such because the fence and gate would only measure 1m high the applicant could erect this without planning permission and as such there would be no reason to refuse it. Car users would still be able to view above the fence when pulling off the site and pedestrians would be clearly visible. In this instance the 1m high fence and gate would be considered acceptable.

The agent confirmed that the existing dropped kerb to the highway in front would remain as existing, as would the driveway access, and the proposed three car driveway has been reduced to accommodate two vehicles only. Although a third car could be parked at an angle across the front of the house. Due to where the fence along the front boundary would be erected users of the driveway would not be able to drive up over the kerb to access the site. The drive length would be just over 6m, which would be acceptable in terms of SPD 6. It also means that vehicles would be able to park within the site boundary, clear of the highway and would not cause any significant detrimental harm to users of the pavement or road in front.

The revised drawings show that the pedestrian gate which originally was shown as opening outwards from the site would now open inwards. As such it would not cause any harm/obstruction to passing pedestrians using the pavement.

The revised proposed site plan shows that the sliding electric gate would open to the south and as it would slide across the rear of the boundary fence it would not have any significant detrimental impact on passing pedestrians. The drawings show that when parked within the site vehicles would be well clear of the gate in front. The drawings also noted that all the hardstanding would be permeable, which would help to prevent any extra surface water run off onto the adjacent highway.

#### **Response to neighbour objections -**

The concerns of the neighbours have been addressed via the submission of revised drawings which show the side balcony removed, the flat roof at the rear changed to a dual pitched roof with flat roof section to the middle (not openly visible in the streetscene), the reduction in height of the proposed fence and gate to the front boundary to 1m and that the dropped kerb would not be extended.

The electric gate may not be in keeping with the rest of the road, but given the gate and fence would be 1m in height they could be erected as permitted development. This has been addressed in the visual amenity section above.

One objection was regards the massing of the development. The site is quite a large site and there would be ample amenity space remaining. This has been addressed in the residential amenity section above.

#### **Conclusion -**

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy No. H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties, and Places for Everyone Joint Development Plan listed.

**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 E.03GA.P001, E.03GA.E001, E.03GA.E002, E.03GA.E003, E.03GA.E004, E.03GA.P000 AND E.03GA.P001 received on 04/09/2024 and drawings numbered P.03GA.E002 Rev B, P.03GA.E003 Rev B, P.03GA.E004 Rev B, P.03GA.E005 Rev B, P.03GA.P000 Rev B and P.03GA.P001 Rev B received on 06/11/2024 and drawings numbered P.02LD.P001 Rev C and P03GA.E005 Rev C received on 19/11/2024 as modified by the emails from Andrew Wallace Associates dated 06/11/2024 and 19/11/2024. 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 Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3      The external finishing materials for the proposal hereby approved shall be grey concrete roof tiles, membrane to flat roof areas, red brick walls to all elevations, and upvc and aluminium to the windows. There would be composite a gate and fencing to the front and side of the dwelling.  
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.
- 4      Before the first occupation of the extension hereby permitted the balcony at the rear shall be fitted with a 2m high obscurely glazed privacy screen to the north side 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.
- 5      Before the first occupation of the extension hereby permitted the two first floor windows on the north side elevation shall be fitted with obscured glazing 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.

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- 6 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.  
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
|                     |             |                         |             |
| 19/11/2024          |             | DM 19/11/24             |             |