

DELEGATED REPORT**Report by** Amanda**Date of report:** 18/05/2022**Ref:**68217/FUL

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Registration: 15/03/2022**LDfC:** 22/04/2022**Expiry Date:** 10/05/2022**Site Visit:** 06/05/2022**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 infill extension at side**Location:** 11 Castle Hill Road, Prestwich, Manchester, M25 0FR**Description**

The application relates to a previously extended two storey detached house with a garden and parking to the front of the site and larger private garden to the rear. At the rear there is a two/single storey extension. On the south west side elevation of the dwelling there is a utility room window, external door close to the shared boundary with no.9 and a bay window to a morning room facing the boundary.

No.9 to the south west is also a two storey property which currently extend beyond the rear elevation of no.11 next door. There are two ground floor windows to the side elevation as well as patio doors closest to the shared boundary on the rear elevation. This property appears to have a slightly lower ground level to that on site.

The proposal is to build a single storey side extension to the rear of the property which would in fill the area to the south west side. It would extend to the existing rear elevation and it would have a flat roof.

There would also be some internal alterations to the first floor which would result in a new bedroom window to the existing rear elevation to the south side of the main dwelling. A Succah roof lantern would also be added to an existing flat roof single storey rear extension.

Relevant Planning History

05/0159 - BUILDING WORKS -

Publicity

Neighbour notified on 31/03/2022 - One objection received. See below.

- The proposed development would adversely impact the use/amenity of their patio.
- No.11 is 1.5m higher in terms of ground levels so the development would appear higher than single storey from their patio. Approximately 4.5m high.
- Proposed windows would overlook and open up over their patio. This would be an invasion of privacy.
- Although they won't lose any view the immediate border with their land would change from a 2m high fence to a brick wall which would be overbearing, unsightly and imposing.
- Loss of light to their patio and windows on the side elevation adjacent to no.11.
- A flat roof would be unsightly in terms of design.
- They would ok with extending the property as far back as the rear of their dwelling and they also state that where adjacent to their patio the extension should be stepped back

0.5m away from the shared boundary to allow them to keep the fence and maintain their privacy.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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.

All of the development would be to the rear of the existing building and as such would not have any significant detrimental impact on the character of the street scene along Castle Hill Road. The design of the proposed development would be considered to be in keeping with the existing building given that there is an existing flat roof rear extension and as such 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.

Residential Amenity -

- As the development would be built wholly on the rear elevation there would be no impact on residential amenity to properties to the front of site or on existing parking arrangements to the front of the site.
- As the majority of the development would be to the south west side of the existing dwelling and the only change to the north side of the dwelling would be the addition of a Succah roof there would be no significant impact on residential amenity at no.13 next door.
- The single storey extension would be more than a sufficient distance to the rear boundary, in terms of SPD 6 so that there would not be any significant detrimental effect on residential amenity at properties to the rear.
- No.9, positioned to the south west of the site has two ground floor windows in the side elevation adjacent to the shared boundary. One appears to be to the garage and this window directly faces the existing side elevation of the application property.
- The second window to the side elevation of no.9 is positioned further towards the rear of the property and part of this window looks directly on to the side elevation at no.11, There is no doubt that the single storey extension would have an impact on light to this side window but the existing 2m high fence along the boundary, (measured from the ground level of no.9 Castle Hill Road), screens much of the views and light to the side windows of no.9. With this in mind and that the existing dwelling on site overshadows this property already it is considered that the single storey extension would not have any more of a significant detrimental impact on residential amenity to this particular window. It is also noted that less weight would be given to windows on the side elevation of no.9, especially as they would be considered non-habitable.
- The ground level on site is around 500mm higher than the rear patio area of no.9 next door. The plans show that the extension would measure 3m meaning that the extension would be approximately 3.5m higher than the ground level at no.9. This would be 1.5m higher than the existing fence along the boundary.
- The objector has indicated that the boundary fence would be removed and they would look on to a brick wall. However, the plans show that the whole of the extension would be built within the site boundary and there would be no encroachment on to land at no.9 next door. There is no indication that the existing fence is to be removed but if it would be then this would be a civil matter and the applicant should discuss this with their neighbour accordingly.
- The proposed drawing shows that there would be two windows to the side elevation directly adjacent to the shared boundary with no.9 Castle Hill Road. The plans show that these would be obscurely glazed with high level opening only. A condition would be

added regards the obscure glazing and as the side elevation would be built flush to the existing side elevation it would be set slightly away from the shared boundary. As such if the side windows would be opened they would not encroach over the shared boundary with no.9.

- There are three windows (including patio doors) to the rear of no.9 next door. The two windows closest to the shared boundary are not to habitable rooms. There is a set of patio doors and windows to a habitable room window further over to the south west side of the building. As such the 45° rule would be satisfied with regards to the impact of the proposed extension on the relevant window/door to the rear of no.9 next door.
- There may be some detrimental impact on light to the patio area to the rear of no.9 but given that the site is positioned north west of this property it would not be considered detrimental enough to warrant refusal.
- The proposed plan shows that an existing first floor bathroom would be converted in to a bedroom. It would appear that the existing window is to be retained. However, given that this window is set back from the rear elevation of no.9 by around 3m it would not have any significant detrimental impact on residential amenity at the adjacent property.

Taking the above in to 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.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 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 a vehicle and also a garage. This would not be affected by the proposed development. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The concerns of the neighbour have been addressed in the report above.

It is noted that if there is a concern about the removal of the boundary fence this would be a civil matter that the applicant and the neighbour would need to address privately.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 A1.1 and A1.2 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

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- 3 Before the first occupation of the extension hereby permitted the windows on the side elevation adjacent to no.9 Castle Hill Road 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.

- 4 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 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>
AU - 18/05/2022			