

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 21/06/2022

Ref:68263/FUL

Registration: 13/04/2022

LDFC: 03/06/2022

Expiry Date: 08/06/2022

Site Visit: 05/05/2022

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: Two storey side extension with gable roof plus new parking layout

Location: 7 Burndale Drive, Bury, BL9 8EN

Description

The application relates to a two-storey detached house with side carport on a residential street. The front of the house is elevated above the street and within the centre of a row of 6 detached dwellings. The neighbour at No.5. (left side) has an existing side extension with a setback of approximately 1.5m, while the neighbour at No.9 (right side) is as originally built. The rear boundary has numerous small trees and shrubs. There is one off-road parking space.

Planning permission is sought for a two-storey side extension that would project out to the shared boundary and have a gable roof carried over from the existing roof. At ground floor the proposed extension would provide space for an enlarged kitchen-dinner plus an internally enclosed bin store/ cycle store with a narrow garage door. The first floor would provide an enlarged bedroom with ensuite plus a new fourth bedroom. Materials would match existing. There are no new side windows proposed. There would be two off-road parking spaces.

There would be a separation of 16.2m to the rear boundary, although there is no boundary treatment proposed.

It should be noted that the original plans showed a proposed extension that would have touched the shared boundary although this design has since been modified to bring it back by 5cm. The applicant has also reduced the number of proposed parking spaces from 3 to 2.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 24/05/2022 sent to 7 (seven) neighbours. One objection was received.

Objections -

Concerns are summarised below:

- Design and layout is out of character in terms of its appearance when compared with existing development in the vicinity.
- Visual impact will and effect on the character of the neighbourhood. For example, No. 5 has a first-floor setback in keeping with the rest of the neighbourhood.
- Need space for bins.

- Overhanging.
- 45-degree rule.
- Effect on residential amenity.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

Traffic Section - Objection to proposal for 3 perpendicular parking spaces which would require a dropped kerb in excess of 5m. The applicant has since amended the parking plan to show 2 spaces.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, and design, the proposed extension would be generally in-keeping with the existing house including good window fenestration. Situated at the side, the proposed extension would be readily visible from the public arena, although the proposed materials would match existing. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The gable roof would be extended to just 5cm short of the shared boundary but remain the same height as existing, and although the roof pitch would be higher than both adjacent dwellings, there would be no change to the existing height and the height is therefore considered to be acceptable.

However, in terms of appearance the proposed extension would result in uncharacteristic terracing on this row of six houses, which is considered to be seriously visually detrimental to the surrounding streetscene. It is noted that the immediate neighbour at No.5. already has an existing side extension with an acceptable setback of approximately 1.5m. Additionally, an objection has been received with regard to the proposed extension's design, character, and lack of setback. The applicant has been given the chance to amend the proposed design but they have chosen not to respond. In this respect the proposed extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the 16.2m separation distance to the rear boundary from the proposed first floor habitable room is considered to be acceptable and complies with adopted guidance in SPD6.

The proposed extension is acceptable in relation to both neighbours as it does not project beyond either the front or rear building lines and therefore the 45-degree rule is not relevant in this assessment. There are no new side windows proposed.

In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary and is to the south of No.9. The extension would have some impact on part of that neighbour's rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which

requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 1 car space, and there is additional parking available on street.

The original plans for this proposal sought to increase the number of parking spaces from one to three which would have represented a large amount of hardstanding, harming the visual appearance and with inadequate amenity space at the front of the dwelling. However, the applicant has since agreed to modify the proposal to reduce the number of spaces proposed from 3 to 2.

Generally, the information provided by the applicant lacks details of changes to the dropped kerb, and permeable/ porous paving materials and/or measures to prevent the discharge of water onto the adopted highway.

Given the insufficient information regarding parking and site access it is not possible to make an adequate assessment of the proposed development. The proposed extension would therefore be unacceptable and fail to comply with UDP Policy HT2/4 and associated guidance in SPD11.

With regards the concerns of the highways authority, if the application was to be approved then a condition would be included to require further information on the site parking plan and access prior to development.

Refuse - The bins would be stored within the extension which is considered to be acceptable, and bins is an issue that is normally expected to be maintained within the curtilage of the property.

Communication - The LPA has contacted the agent to explain the issues and give the opportunity to submit a revised design. Unfortunately, a choice has been made not to submit any revised plans to the Local Authority despite concerns being raised. Additionally, there was no pre-application. NPPF paragraph 41 is clear when it states that "The more issues that can be resolved at pre-application stage.... the greater the benefits " and this is further clarified in terms of design in paragraph 132 which states that "Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests." Whilst the LPA cannot insist that this approach is undertaken, in this instance it is considered that this would have been beneficial.

With regard to SPD6 a setback of 1.5m was requested at the front of the side extension in addition to a reduction in parking. The agent submitted a revised plan showing a reduction in parking, but did not include any setback. The agent contends that the development should be exempt from the setback requirement because:

"A The properties in question are detached and the gap from the side of the extension to the adjacent property is approximately a metre and it is very unlikely but not impossible for the adjacent property to extend into this space.

B Also and most importantly the roof designs on the properties are completely different, eg gables hips etc which prevent the creation of the terracing effect together with the difference in ridge heights."

However, it is considered that if all occupants in this row of 6 dwellings constructed a side extension with no set back this would clearly contribute to a terracing effect that would be detrimental to visual amenity, and the emphasis of the policy is on the main frontage of the house, not the roof ridge. Nevertheless, the property at No.5 has an existing setback with gable to the road, while No.9 could be extended hip to gable as permitted development which would then reinforce the terracing appearance. Additionally nominal separation is considered insufficient to mitigate the terracing effect.

Furthermore, SPD6 states that all two-storey side extensions should have regard to a

number of issues including the requirement that *"To avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original house"*. SPD6 guidance goes on to explain specific exceptions allowed as follows:

"In cases where there would be a gap to the side boundary, a lesser set back would be acceptable where the set back and gap remaining to the boundary total 1.5m, the requirement for a setback at the front may be relaxed in other instances e.g:

-on corner sites;

-on very short rows of houses;

-where a property is adjacent to an area of 'open space';

-where there is a very irregular building line along the street;

-where there are significant ground level differences; and

-where adjacent properties are of significantly different styles (e.g. bungalows next to houses)."

However, this dwelling is not on a corner site, is not within a very short row of houses (considered to be 3-4 dwellings), is not adjacent to any open space, is not part of any irregular building line (immediate neighbours all have the same building line), does not have any significant ground level differences (other than being elevated above the highway), and adjacent properties are not of significant different styles (all neighbours are two-storey detached dwellings). It is therefore considered that the current proposal does not meet the required 1.5 setback to prevent a terracing effect and does not meet any of the specific exemptions.

Response to objections - The concerns of the objectors have been addressed in this report.

Conclusion - In consideration of the above, it is considered that the proposed development would not be acceptable in terms of the design, scale, and sitting, of this development. As such, the proposed development is therefore considered to be unacceptable and fails to comply with EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, UDP Policy H2/3 with associated guidance in SPD, and UDP Policy HT2/4 and associated guidance in SPD11.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed extension could lead to the link-up of the detached houses by two storey extensions. The resulting terraced house effect would be out of character with the surrounding street scene, and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 - Townscape and Built Design, EN1/1 - Visual Amenity, and H2/3 Extensions & Alterations with Supplementary Planning Document 6 Alterations & Extensions to residential properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	21/06/2022		