

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 13/01/2022 | <b>Ref:</b> 67505/FUL          |
| <b>Registration:</b> 16/11/2021 | <b>LDfC:</b> 08/12/2021           | <b>Expiry Date:</b> 11/01/2022 |
| <b>Site Visit:</b> 20/12/2021   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 5            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two storey extension at side/rear with balcony to the front; Rear dormer extension; Erection of outbuilding in rear garden

**Location:** 411 Manchester Road, Bury, BL9 9RY

**Description**

The property is a bay fronted semi detached house. It has a low brick wall and railings along the frontage and part of the side with the rear garden screened by higher concrete post and panel fencing. From the rear of the house is a patio and lawn at a lower level. Beyond the rear boundary are the rear gardens to 6-10 Fletcher Fold. The adjoining semi is No.409 and is extended single storey at the rear. To the opposite side the site borders a path that leads from Manchester Road through to Fletcher Fold Road, across from this is 417 Manchester Road.

Works have commenced on extensions at the side and rear, a rear dormer and a detached outbuilding following approval 65858. This application has been submitted following a complaint to, and investigation by, the enforcement team as works have not been carried out in accordance with the approved plans.

The scheme proposes extending the hipped roof to a gable, a two storey side extension coming out 3m then extending in an angled design along the side to come out a further 2.1m at a point 6.5m along and extending along a further 6.4m. This would project beyond the rear elevation as a two storey rear extension reducing to be single storey 4.3m where adjacent the party wall side. The ground and first floor plans conflict however as the first floor does not show the angled design or the deeper two storey at the rear. The extended gable roof would have a flat roofed dormer added to the rear. To the rear garden a flat roofed outbuilding is proposed with a footprint of 10m by 5.5m and to a 2.5m wall height with flat roof.

**Relevant Planning History**

65858 - Two storey side and rear extension including balcony to the front; Rear dormer extension; Outbuilding in rear garden - AC 20/11/2020

62565 - Change of use of land (Goshen Lane) adjacent 411 Manchester Road and 10 Fletcher Fold Road to garden; New boundary fences, walls and railings - AC 23/05/2018

51427 - Change of use of land (Goshen Lane) adjacent 411 Manchester Road and 10 Fletcher Fold Road; New boundary fences, walls and railings - AC 21/04/15.

**Publicity**

Surrounding neighbours were notified by letter and 5 objections have been received from addresses at 409 Manchester Road, 3,6 & 8 Fletcher Fold Road. Their concerns in summary are :-

- Plans are grossly inaccurate.
- Noted inaccuracies on plans 4,5,6,7,8,9B

- Location plan out of date
- Original approved plans have not been adhered to
- Size of build is out of keeping with the area
- Outbuilding was not built from ground level as was previously agreed & has been built to roughly 3.5m instead of 2.5m
- Loss of light to 409 Manchester Road
- Overlooking to properties at rear
- Loss of light to properties at rear
- Building takes up more than 75% of land
- Outbuilding approved did not include a toilet. Concerns where water and sewage will go

**Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

**Unitary Development Plan and Policies**

H2/3 Extensions and Alterations  
SPD6 Supplementary Planning Document 6: Alterations & Extensions  
NPPF National Planning Policy Framework

**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 and Design** 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 proposals are located next to a public footpath and therefore is readily visible to the public arena. Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

- the existing built development, including layout, form, scale, appearance, details, and materials;

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Overall the proposals represent an incongruous collection of extensions with no homogeneity of design and pays no mind to the original dwelling, finish or locality. Therefore the proposals would conflict with UDP Policy H2/3 and SPD6, paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the NPPF.

**Other issues** - The proposed plans for the two storey side extension conflict with regard to the angled design as this is not shown on the proposed first floor plan. The roof to part of the two storey rear extension is unclear. It appears to be a flat roof, no roof plan has been provided with the application.

The extension as part constructed is in a different brick than the existing house however the application makes no reference to this proposing 'brick to match'.

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There is a clear difference in levels in the rear garden which the proposed plans for the outbuilding do not show.

The site was visited twice on this application but access was limited as the property is gated and the applicant did not provide access into the site garden despite requests. Photos from the previous application prior to works commencing are available.

The plans contain conflicting information with regard to the proposed extensions to the property. In terms of the proposed outbuilding then there is insufficient information on the plans with regard to levels on the site.

As such the application contains insufficient information to properly assess the impact of the proposal in relation to the visual amenity of the building and the area and the residential amenity of neighbouring properties.

### **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 application and submitted plans for the proposed extension contain conflicting information in relation to floor plans with elevations, finishing materials and therefore cannot be properly assessed.
- 2 The application and submitted plans contain insufficient information regarding garden levels, lack of roof plan and ground levels for the out building to enable them to be properly assessed.
- 3 The design of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan, Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties, Paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the National Planning Policy Framework.

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| <u>Case Officer</u><br>JL | <u>Date</u><br>13/01/22 | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------------|-------------------------|-------------------------|-------------|