

DELEGATED REPORT

Report by Jane Langan	Date of report: 13/10/2022	Ref: 68726/FUL
Registration: 28/07/2022	LDfC: 15/09/2022	Expiry Date: 22/09/2022
Site Visit: 17/03/2022	Site Notice: N/A	Press Date: N/A
Objections: 10	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side/rear: Single storey extension at rear; Front balcony; Rear dormer; External alterations; Raised patio; Detached outbuilding

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 a 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 proposed includes 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 1.7m at a point 6.9m along and extending along a further 6.3m. This would project beyond the rear elevation as a two storey rear extension reducing to be single storey 4.6m deep where adjacent the party wall side. The first floor front would be set back 2.1m forming a balcony. 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. It would be to a height of 2.7m to the south side and 3.5m to the north side as it would drop down to the garden level. A patio would extend from the rear of the extended house to the doors to the outbuilding with the adjacent garden 0.8m lower.

Much of the extension works have been constructed and this application proposes alterations to address the reasons for refusal of application 67505. The rear dormer overhangs the extended front roof slope. It is proposed to clad this in a brick slip to match the existing brick to the front elevation. The two storey side extension has been constructed in a different brick to the existing property. The proposal is for the front elevation to be clad in brick to match the existing front elevation at ground floor and at first floor there would be white render with quoin detail to the corner in brick to match the ground floor. A section of brick cladding would continue to a section of the ground floor and the first floor side gable would also be brick clad. The render and quoin detail would be replicated to the first floor of the existing front elevation.

Relevant Planning History

67505 - Two storey extension at side/rear with balcony to the front; Rear dormer extension; Erection of outbuilding in rear garden - Refused 14/01/2022

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 10 objections have been received from nearby neighbours. The applicant has written in support of his own application. The concerns of the objections are in summary :-

- Out of keeping with the area in size and design
- Brick slips cladding/render not be in keeping with other properties
- Rooms not as previous application
- Outbuilding now a guest room
- Balcony larger and out of keeping with the area
- Overlooking to rear properties
- Loss of light to properties at rear
- Loss of property value
- Build takes 75% of land
- Outbuilding should have been built at ground level
- Delay in the submission of the new application from the rejected application
- Outbuilding has toilet/wash facilities. Concerns regarding the drainage
- Overwhelms the adjoining semi
- The dimensions on the plans are sparse

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

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 - This application has been submitted following refusal of the previous application 67505. The main areas of concern were the use of a non matching brick to the extension. In addition the rear dormer as built overhangs the side gable wall. The applicant engaged a new agent and entered into pre application discussions in order to seek a scheme that would address the reasons for refusal and the conclusion is this proposal. It includes the brick cladding and render with quoin detail as detailed in the description section above. A combination of brick/render is not an uncommon finish on a domestic property and render is an increasingly popular material. The side and rear elevation would remain in a different brick to the frontage however this section of the building would have a much less visibility from the main street view.

The proposal includes a balcony at the front and whilst balconies are not a common feature in the area the proposed one would not be of a size or design that would result in an intrusive feature in the street.

The dormer would be flat roofed and mainly visible from the side path. Hip to gable roof extensions with a flat roof dormer can be constructed under permitted development and this is a material consideration to this element of the proposal. The addition of the brick slip to the gable wall and the front dormer overhang would see the extensions better relate to the existing building.

The outbuilding would be flat roofed and located in the rear garden. It would be situated at patio and the lower lawn level and the walls finished in matching brick to match the side/rear of the house. Whilst the building would have a large footprint it would be flat roofed to a height of 2.7m to the higher patio side and its location within the rear garden, which is screened along the footpath by fencing, would not see it as an overly intrusive feature. It is noted to be a guest room and as this is a householder application a condition is added to ensure that it remains ancillary to the main dwelling.

In conclusion, with the amendments to the works as noted above it is not considered there

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would be grounds for refusal with regard to the impact on the visual amenity of the area. As the proposal differs from that as previously approved the standard start by condition is added. The requirement for the development to be built in accordance with the approved plans will ensure the cladding/render works are carried out.

Parking - The proposal would increase the number of bedrooms from 3 to 6, plus two guest rooms, 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 and the site as existing can accommodate this. There is also public transport available with the site located on a main road.

Residential amenity - Where adjacent the adjoining semi the proposal would be single storey and project approximately 3m from the rear of this property as extended. Where two storey it would not encroach across a 45 degree line from the mid point of the first floor habitable room window to the rear of this neighbouring property.

No.417 is located across the footpath and has a garage at the side and garden area. The house has two windows to the top of the side gable wall. The proposal would have a secondary bedroom window to the first floor side elevation and in order to prevent overlooking to No.417 a condition is added for obscure glazing. One was included on the previous approval.

There would be a distance in excess of 10m from the proposed first floor windows and dormer to the rear boundary.

The outbuilding is noted to be a guest room. It would be located within the curtilage of the site and a condition is added to ensure it is an ancillary to the main dwelling. It would run along the rear site boundary and for the most part the garden to 8 Fletcher Fold Road. There would be a distance well in excess of the 6.5m SPD6 Aspect Standards requires from a principle neighbouring window to a single storey wall. There would be one small window to a wc to the rear elevation. A condition is added for this to be obscure glazed and maintained as such.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objections - The issues regarding design and impact on the visual amenity of the area are addressed in the above report.

This application is assessed on its own merits in terms of the revisions to the previous proposal.

The proposal complies with SPD6 Aspect Standards in relation to the separation distance to the rear properties. These distances are set out in order to provide adequate privacy distances and avoid overbearing relationships.

There would be adequate outside amenity space remaining following completion of the extensions.

Property value is not a planning matter.

Drainage is a constructional matter dealt with under the building regulations where required. The plans contain dimensions and are also scaled.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental

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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 RAD/2592/22/1/Rev C, RAD/2592/22/2 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 Unitary Development Plan listed.
- 3 Before the first occupation of the extension hereby permitted the first floor windows to the south 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.
- 4 Before the first occupation of the outbuilding hereby permitted the window to the rear 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.
- 5 The outbuilding hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 411 Manchester Road.
Reason. To ensure the proposed use remains ancillary to the principle use on the site 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> JL	<u>Date</u> 13/10/22	<u>Sign off Officer</u>	<u>Date</u>
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