

Description

The property is a two storey detached house located on a residential estate. It has been previously extended to the front and rear and is fully rendered. There is off street parking at either side of the front two storey and paths each side lead to the rear. From the rear of the house is a patio then a grassed area at a raised level with a 1.5m high retaining wall with steps. The rear boundary is screened by conifers and there is a detached outbuilding on the patio close to the boundary with no.63 Prestwich Hills next door.

The neighbour to the south side is No.59 is a two storey detached property and the gardens separated by a 2m fence. To the opposite side No.63 is also separated by a 2m fence and there is a shed adjacent to the shared boundary. It has been extended with a conservatory at the rear.

The proposal is to build a single storey rear extension as well as a new retaining wall and steps up to the garden level. The extension would project 4m from the existing rear elevation and it would measure 10m wide. Along the west side elevation it would measure 4.84m and would project 1m from the existing side elevation. It would measure a total height of 2.86m.

There would be six windows to the rear elevation and patio doors to the east side. The roof would be flat with parapet roof and a raised glazed roof lantern to the centre. The walls would be finished in K-render to match the existing building and there would be an external door installed to the front of the side extension to the west of the building.

The existing retaining wall would be removed and rebuilt 900mm from the rear elevation of the extension and steps would be created to the south east side, adjacent to the shared boundary with no.59 Prestwich Hills. The retaining wall would measure 1m high and would be constructed using bricks.

Relevant Planning History

52610 - Rear Double Storey Extension, Double Storey Porch Extension, Front Canopy and Rain Shelter - Approve with Conditions 14/07/2010

58313 - Two storey extension at front with canopy; Two storey extension at rear - Approve with Conditions 16/02/2015

60357 - Variation of conditions 2 & 3 of planning permission 58313 to show the front and side elevations to be fully rendered and alterations to the size and position of windows and doors and additional windows to the south east side elevation - Approve with Conditions 18/08/2016

60652 - A: Glass canopy to the rear elevation, B: Erection of a new front porch - Split Decision 17/11/2016

62558 - A: Orangery at rear, B: Erection of front porch - Split Decision 25/04/2018

67756 - Single storey front porch; Single storey rear extension; Conversion of loft with 1 rear dormer and 2 front dormers; Raising roof ridge height - Split Decision 14/02/2022

16/0278 - Front porch; rendering and rear fencing unsafe - 30/06/2016

Publicity

Five neighbours were notified on 16/06/2023 - Two objections have been received from occupants of the same residence. A summary of the objections is listed below.

- The property is over developed and not in keeping with the rest of the estate.
- The sheer size of the existing property plus the proposed extension would completely overshadow their property, as well as the one to the opposite side.
- The plans show doors facing their property, which would cause a noise issue.
- The plans are different to what was previously granted. The size has been increased.
- There would be steps right up to the shared boundary and due to the tiered levels of both gardens they would lose more privacy.

- Any changes in height to the garden would impact their garden.
- The extension could result in more occupants at the address and more vehicles on an already congested front drive where one vehicle is consistently parked on the pavement causing pedestrians to have to walk in the road.
- Light pollution is a concern due to the number of exterior lights at the property, which are very intrusive. An extension will make this worse.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

The extension would be to the rear of the dwelling and would not be visible in the public realm along Prestwich Hills. There are existing boundary fences measuring around 2m high. As such only approximately 860mm of the extension would be visible above the fence line at both sides of the site. As there would be around 3.3m from the east side elevation to the shared boundary with no.59 Prestwich Hills next door visibility of the extension from the neighbours patio area would be minimal.

The design of the proposal is considered to be in keeping with the existing building and as the extension would only be partially visible above the side fence lines it would not cause any significant detrimental harm in terms of visual amenity.

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 -

- The extension would project 4m past the rear elevation of no.59 and the side elevation would be around 3.3m away from the shared boundary. As such the 45° rule would be satisfied regards the nearest, relevant ground floor window on the rear of that property.
- There would be a set of patio doors in the side elevation facing the boundary with no.59, but any views from the doors would be towards the existing 2m high boundary fence. As such the extension would have no significant detrimental impact on privacy levels at this property.
- There were concerns raised that the position of the doors would cause noise pollution. The distance from the doors to the boundary would be around 3.3m and it would be possible to site doors in the rear elevation closer to a boundary without planning permission. There would be a fence located on the boundary with affords privacy and some protection. The use of the property is a dwelling and not introducing any new use. As such the location of the doors is both reasonable and acceptable in planning terms. Any overt nuisance noise would be a matter of consideration by Environmental Health in the control of pollution/statutory nuisance.
- The extension would project approximately 3.6m beyond the rear elevation of the conservatory at no.63 next door. The 45° rule would be satisfied with regards to this structure.
- There would be no windows installed to the side elevation adjacent to no.63 and the proposed external door would have no more of an impact than the existing access path and gate do already.
- The plans show that all of the development would be built within the site boundaries and certificate A has been submitted with the application.
- The extension would be just under 6m away from the rear boundary, (at its closest point), and there are conifers lining the whole of the rear boundary. As the rear garden is raised compared to the where the extension would be built any views from the extension would be over the applicant's garden only. There would be no concerns

regards the impact on privacy to properties at the rear.

- The plans show that the existing 1.5m retaining wall would be replaced with a 1m high retaining wall and the agent confirmed via email that there would be no height increase to the rear garden area. This would not have any significant detrimental impact on residential amenity to either of the adjacent neighbouring gardens, which are of a similar level.
- The extension would not occupy more than 50% of the rear garden area. As such the site would not be considered to be over developed.

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.

Parking -

The proposal would not increase the number of bedrooms 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.

Response to neighbour objections -

Some of the objections have been addressed in the report above. With regard to the comment that the proposed extension would be larger than what was previously approved. This is correct and is the reason why the applicant has submitted the current application.

The agent has confirmed that there would be no increase in height to the garden areas and the steps adjacent to the shared boundary with no.59 would be lower than the existing boundary fence and used for access only to the garden level. The repositioning of the steps from the centre of the site to the side would not have any significant detrimental effect on residential amenity at the neighbouring property and garden, and as such their position would not warrant refusal of the proposal.

The extension is to the rear of the kitchen and reception area of the property, providing further living space to the ground floor. It does not follow that the extension would result in an increase of occupancy at the property. There are no indications in the application to suggest anything other than use as a dwelling.

With regards to the concerns about parking to the front of the property. If any neighbour finds there is an issue with the applicants, and visitors to the property not parking appropriately then they would need to contact the Highways department for further advice and/or investigation. This application is regards the single storey rear extension and as there would be no increase to the number of bedrooms in the property parking need not be considered as part of the application.

There are several external lights to the rear elevation of the existing building. One of the objections is that the addition of the extension would make the issue worse. However, the extension would be single storey and as such any light from the structure would be at ground floor level only. The existing boundary fences would help to screen much of the light from the extension. It is also taken in to consideration that a single storey extension has already been previously approved in the same position, (albeit slightly smaller).

It is considered that the extension would not have any significant detrimental impact in terms of light pollution, but if the neighbours have concerns about the positioning of external lighting at the property they should discuss this with the applicant directly.