

DELEGATED REPORT

Report by Jane Langan	Date of report: 05/12/2022	Ref: 68965/FUL
Registration: 07/10/2022	LDFC: 19/11/2022	Expiry Date: 02/12/2022
Site Visit: 29/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension

Location: 433 Bury And Bolton Road, Radcliffe, Manchester, M26 4LJ

Description

The property is a red brick bay fronted semi detached house located along a main road position. It has been extended single storey at the front, side and rear. To the rear is a patio and outbuilding and an area of garden raised from the patio level. Beyond the rear boundary is open land and the site and surrounding area is within the Green Belt. The attached neighbour No.431 has a single storey section to the rear. To the opposite side No.435 and is at a slightly lower level. Along the boundary it has its drive and has been extended single storey at the side and rear.

The general streetscape contains similarly aged houses (in this stretch) with similar levels and elevational compositions characterised as ribbon development with distinctive gaps in between.

The neighbour to the east appears as a handed dwelling to the applicant's. This property presently has a single storey garage virtually adjoining the boundary with the applicant.

The application proposes a first floor extension at the side. It would come out 2m and run along the side from the front to rear elevations. It would form an extended bedroom, office and wet room and the side gable of the extension would be very close to the neighbouring boundary to the east. The side gable of this extension would be circa 800mm from the boundary with the neighbour to the east.

Relevant Planning History

60137 - Single storey extension at front, side and rear - AC 24/06/2016

68361 - First floor extension at side - Withdrawn 05/10/2022

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

OL1 Green Belt

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.

Green Belt - Green Belt - SPD6 states that extensions of existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. In general an extensions up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits.

A statement has been provided by the agent to note the proposal would increase the volume by 47.1%. This would exceed the advice given within SPD 6 and therefore the proposal has the potential to have a significant impact on the openness of the Green Belt and a statement of very special circumstances is required as the proposal would result in development materially larger than the original building.

The statement notes the proposal would not impact on the openness of the Green Belt as it

sits in a large area and is located along a main road with residential properties fronting. This is the case and the proposal would not impact on the character or openness of the Green Belt.

Visual amenity and design - For two storey side extensions SPD6 requires a gap to the boundary to be 1.5m and where less the first floor should be set back with the gap and set back to add up to 1.5m. This criteria is set out to prevent potential terracing. There are circumstances where the requirement may be relaxed including short rows, corner sites, significant level differences and significantly different house styles.

The site is located on a main road comprising of detached and semi detached properties. The particular section the site is located comprises of 3 pairs of semi detached houses. They are separated from each other by attached garages with the exception of No.441 which is extended two storey at the side but is next to a detached house of a different design.

The proposed extension would be built to within approximately 0.8m of the boundary. It would have a hipped roof extending from the main ridge and be flush to the main front elevation. Materials would be to match the existing.

The formation of these ribbon development properties and pairings is clear and distinguished by the gaps maintained between the properties on the row, that establish a feeling of differentiation, space and openness within the streetscene all of which contribute to the character of the area.

The proposal to build flush to the front of the dwelling would remove any visual distinction between it and the original dwelling. The proposed window to the first floor front elevation would also appear overlarge and out of keeping as the design emphasis of this dwelling is one of verticality, reinforced by the bay and window patterns contained therein. In contrast, the proposed new window being overly large reinforces horizontality and does not differentiate the articulation between the old and new. Both of these issues are considered to represent a poor design approach.

Para.41 of the National Design Guidance confirms that well designed new development responds positively to the features of the site and the surrounding context beyond the site boundary. Physical features are quoted in the guidance as confirming that 'how it [new design] functions'.

Para. 42 goes on to confirm that well designed proposals are shaped by an understanding of the context and constraints and any response needs to be proportionate to the nature, size and sensitivity.

Revisions have been sought to request a set back of 0.5m and for the one large window to be split into two smaller ones, to the existing and proposed first floor front elevation. This it is considered would provide a visual break between the main house when viewed along the street scape to improve the design in terms of the appearance of the front elevation and mitigate the loss of character form through terracing. The agent has confirmed that the applicant wishes to proceed with the proposal as is.

In addition to the above, terracing concerns centre upon the visual joining of first floor elevations which changes the character of a streetscape, which in this case is of repetitive semis with gaps in between.

The planning system seeks through s38(6) of the Town & Country Planning and Compulsory Purchase Act 2004 to ensure that development decisions are made in accordance with development plan and thus provides a level playing field in planning and through the application of policy, creating certainty for applicants and the decision makers alike. It is not considered that there are material considerations to indicate otherwise. In this

instance, the respective policies are outlined above and should be determinant.

Whilst there are no plans or proposals for the property to the east presently in hand to determine, the application of planning policy is intended to be applied to similar properties with similar characteristics where a poor planning decision to support the presented scheme would erode the opportunities for the neighbouring property if the current scheme supported as presented.

The retention of the gap to the side is welcomed but requires additional support by way of an upper floor set back to reduce the prospect of a suboptimal decision to support terracing effects.

It is therefore for these reasons considered that the proposal would be harmful to the character and appearance of the area by the reinforcement of potential terracing and poor elevational design.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposal would not affect the existing parking arrangements.

Residential amenity - The proposed first floor would run along the side to No.435 which has a single storey attached garage at the side and two obscure windows at first floor. There would be a window to the side elevation of the proposed extension to the office and which the plans note to be opaque. This could be conditioned to be retained as obscure glazed.

There would then be no serious impact on the amenity of this adjacent neighbouring property.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties with regard to residential amenity but is contrary in respect of visual amenity.

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. 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 proposed extension would be close to the boundary of the adjacent property, and the development would result in a loss of space between the dwellings and could lead to a resulting terraced house effect which 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 policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

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- 2 The proposed extension through the inclusion of the upper floor oversized window would be out of character with the host property and other reflective characteristics of this property style within the street scene and would therefore be seriously detrimental to the visual amenities of the area.
- The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated 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>
JL	05/12/22		