

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/08/2024	Ref: 70836/FUL
Registration: 13/06/2024	LDFC: 09/07/2024	Expiry Date: 08/08/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Removal of existing conservatory and erection of two/single storey rear extension;
Raise roof ridge height/roof extension/loft conversion to form second floor with roof terrace;
New first floor windows to side elevations

Location: 17 Billberry Close, Whitefield, Manchester, M45 8BL

Description

The application relates to a detached dwelling house located on Billberry Close. The premises has gardens to front and rear, with an area of off-street parking also located to the front. The adjacent neighbouring property is No. 19.

Planning permission s sought for the removal of existing conservatory and the erection of two/single storey rear extension, the raise of the roof's ridge height/roof extension/loft conversion to form second floor with roof terrace along with new first floor windows to side elevations.

The development would accommodate two additional bedrooms each with ensuite bathroom on the first and second floors along with open plan kitchen/diner/family room on the ground floor. The proposed single storey rear element would project 3.8m to the rear while the two-storey element would project 2.9m and both extensions would run the width of the entire dwelling. The single storey element would be finished in render and would have a flat roof, while the two-storey element would have a pitched roof. The development would also include proposed increase/extension to the existing roof by raising it approximately 1m. This would facilitate a loft/second floor with open roof terrace/balcony to the rear which would be recessed into the roof. The development would utilise the use of some matching materials.

Relevant Planning History

None.

Publicity

Letters sent to neighbouring properties. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

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.

Situated to the rear, the proposed part single part two storey rear extension would not be

visible from the street scene. It would be a rectangular extension with simple and unobtrusive design, which would not detract from the character of the dwelling and such would be acceptable.

The proposed raising of the existing roof height effectively forming a second floor would be a prominent feature on the street scene on the approach along Billberry Close from the south, where the extension to the roof would be highly prominent and seen out of context with its immediate neighbouring properties.. This would be an increase of approximately 1 metre. The proposed roof terrace/ balcony would be consider acceptable without the increase of the roof height subject to privacy mitigation.

Even though the roof would be pitched and utilise the use of matching materials, it would still be obstrusive to the original dwelling and the public arena as this area has similar style properties with uniform roof height. Therefore, this element of the development would over-dominate the design and character of the original property and the street scene and as such would be considered unacceptable and as such do not comply with UDP Policy H2/3 and SPD 6.

Residential amenity - SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear; there would be sufficient distance. The part single/part two storey rear extension would have no detrimental impact on the adjacent neighbours.
- The proposed recessed roof terrace extension would be considered acceptable given it recessed into the proposed roof and such privacy would be mitigated. Furthermore, there would sufficient distance to the rear boundary.
- The proposed side windows on the second floor would be roof light and such would be acceptable. Furthermore, the proposed side windows on first floor would be conditioned to be obscure glazed subject to approval.
- The existing outdoor private amenity space would be unaffected

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 and SPD6.

Parking

The proposal will result in two additional bedrooms. However, there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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 proposed height increase of the existing roof would be neither appropriate to, nor sympathetic with the existing structure, and would be considered seriously detrimental to the visual amenity 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>
MW	8/8/24	DM	8/8/24