

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/07/2023	Ref: 69618/FUL
Registration: 25/05/2023	LDfC: 16/06/2023	Expiry Date: 20/07/2023
Site Visit: 31/05/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition nos. 2 & 3 (approved plans) of planning permission 68073 (two storey/single storey rear extension & additional window to first floor front elevation): no longer adding front elevation window, 2 no. door access added at ground floor rear level

Location: 297 Bury New Road, Whitefield, Manchester, M45 7SE

Description

The property is a mid terraced house. It has no front garden and leads directly on to the public footpath. To the rear is an enclosed yard beyond which is a public car park. The adjoining properties are 295 and 299 which have yards at the rear and are the same layout to their rear elevations.

This application has been submitted following a complaint to the Enforcement Team that the works have not been carried out in accordance with the approved plans of consent 68073 and the two storey rear extension has a flat roof and a rear dormer has been added.

This application seeks to vary conditions 2 & 3 of 68073 which are :-

Condition 2 - This decision relates to drawings numbered P.001 and revised plan P.002 received 13/06/22 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.

Condition 3 - The external finishing materials for the proposed extension walls, and roof where pitched, hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development 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.

The application form describes the reasons for the variation of the conditions to be :-

Not adding front elevation window due to structural reasons. Internal rearrangement as a result of moving bathroom from front of property resulting in not having an ensuite to the rear bedroom. As a result 2 matching sized windows have been adopted. At ground floor a utility room has been added therefore 2 Nr door access have been added at ground floor level.

Relevant Planning History

67983 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - 09/03/2022

68073 - Two storey/single storey rear extension: Additional window to first floor front elevation - AC 30/06/2022.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour their concerns in summary are:-

- Developers not adhering to the original application
- Property is not in keeping with the neighbouring 1890's built properties
- Appears that is going to be a multi occupancy property, does an application need to be submitted for this?
- Property has a dormer built on the third floor which is not in the application or on the plans

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy - No comments received.

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 - UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan sets out the factors against which householder developments are considered and which are:-

- a) the size, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties;
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

Supplementary Planning Document 6 (SPD6) requires domestic extensions to achieve a high standard of design and complement the original building by reflecting its design, massing, scale and finishing materials. It notes that incompatible designs result in a poor relationship with the original building and street scene.

As can be seen from the site photos the two storey extension at the rear has been constructed with a flat roof, approval 68073 was for a dual pitched roof, and a flat roofed dormer has been added to the rear.

The proposal to not add a window to the first floor front elevation and have two doors to the rear elevation instead of a door and window appear acceptable alterations. In terms of materials the extensions have been constructed in brick.

Whilst included on the plans, but not the application description, the flat roof to the two storey rear extension appears of poor design in relation to the existing building. It may be that the flat roof is in order to have allowed the flat roofed dormer construction but the dormer is not included on the plans. The extensions are located at the rear of the property however visible as the site is in the public view from the car park at the rear. Flat roofed dormers can be constructed under permitted development however with the flat roofed extension the result is a property that appears out of character and intrusive in the street and seriously detrimental to the visual amenity of the area.

Residential amenity - The amendments as noted on the application form with regard to the alteration from the approved plans to windows and doors would not have any significant impact on the amenity of the neighbouring properties.

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 terms of visual amenity.

Response to objection - The issues regarding visual amenity and design are addressed in the above report.

A house of multi occupation can fall under permitted development. Should concerns be raised that there has been a planning breach with regard to this then the Enforcement Team would investigate.

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

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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 design of the proposed extension is neither appropriate to, nor sympathetic with the existing property, and would be 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.
- 2 The application form and submitted plans contain conflicting information with regard to the proposed changes to enable them to be properly assessed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/07/23	DM	13/07/23