

DELEGATED REPORT

Report by Amanda

Date of report: 30/01/2024

Ref:70091/FUL

Uhunmwagho

Registration: 27/09/2023

LDfC: 20/10/2023

Expiry Date: 22/11/2023

Site Visit: 16/10/2023

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey front & rear extensions; Loft conversion with rear dormer; Conversion of garage to living accommodation

Location: 3 Leyburn Close, Whitefield, Manchester, M45 7UE

Description

The application relates to a two storey detached house situated on Leyburn Close with highway to the front and side of the site. There is a shared driveway to the front providing access to numbers 3 and 5 Leyburn Close. The applicant has their own drive space to the side of the dwelling, as does no.5 to the front of their property. The front garden is open to the highway with some planting. At the front of the property there is a canopy across the ground floor window and door.

There is a detached double garage to the side of the property with a shed to the rear. The rear garden has fences to all boundaries and tall conifers along the rear boundary. There is also a large Beech tree to the south east corner of the site, located to the rear garden of no.7 Leyburn Close to the rear. There is a conservatory on the rear of the property and a small patio area. The rest of the garden is lawn and it slopes slightly up away from the main dwelling to the rear boundary.

The proposal is to build single storey front and rear extensions, loft conversion with rear dormer and conversion and extension to the existing garage into living accommodation.

The single storey front extension would extend the existing lounge and add a new ground floor wc. It would project 1.5m forward of the main elevation and it would measure 5.5m wide. The existing canopy would be used for the roof.

At the rear the conservatory would be removed and a single storey extension built. It would project 2m from the original rear elevation and would measure 10.83m wide. The roof would be mono-pitched with four rooflights and there would be sliding doors to the rear elevation. The extension would be built adjoined to the existing garage. A small porch would also be added to the front of the garage measuring 2m² which would provide access into the garage conversion as well as the main dwelling.

The extension to the rear of the garage would measure 3m x 5.47m and the roof would be built to match the existing roof. There would be two rooflights to the west side elevation. The garage would be converted into an annex for a family member.

The proposed dormer would be built on the original roof. It would have a flat roof and three windows. The loft conversion would provide two new bedrooms and a bathroom.

Relevant Planning History

N/A.

Publicity

8 neighbours notified on 29/09/2023 - One comment received. A summary of the comments is listed below;

- The shared driveway to the front of the properties should not be blocked during the building works or afterwards.
- There is an existing large tree at no.7 Leyburn Close to the rear of the site which overshadows the site. They are concerned that the extended garage building would restrict more light to their garden.
- They advise the boundary as shown does not correspond to what is on their deeds, or the existing boundary fence.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions -Not relevant

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 proposed extensions, garage conversion and dormer would be built with materials and a design that would be considered to be in keeping with the existing building. In addition it would still be considered to be in keeping with other properties in the immediate vicinity. As such the design of the proposal is considered acceptable in this location.

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 single storey front extension would be around 4m from the front site boundary and around 10.4m from the side elevation of no.1 Leyburn Close to the north. As any views from the new lounge window would be over the shared driveway and front garden of no.1 it is considered that there would not be any significant detrimental effect on residential amenity at that property.
- As the side elevations of the front and rear extensions would be built flush with the existing south west side elevation the separation distance to properties to the south west would be acceptable in terms of SPD 6.
- The single storey rear extension would be around 8.6m from the rear site boundary and there are existing tall conifers along the rear boundary it is considered that there would not be any significant detrimental impact on residential amenity at no.7 Leyburn Close to the rear of site.
- The small porch to the side of the existing dwelling, which would provide a link between the proposed annex and the main dwelling would not be considered to be habitable. As such it would not cause any significant detrimental harm to residential amenity at no.5 next door. Given its size it would not interfere with parking arrangements on the existing driveway.
- It is noted that the existing garage could be converted into living accommodation as Permitted Development. As such there would be no reason to refuse this part of the development, but the proposed extension to the rear needs to be assessed.
- The 3m extension to the rear of the garage would be in close proximity to the shared boundary with no.5 next door which would result in a larger building along the boundary. The building would remain single storey and although more roof area would be created

it wouldn't be any higher than the existing ridge on the garage. The extension may have some detrimental impact on daylight to the rear most corner of the rear garden next door but this would be minimal compared to the existing garage building. As such there would be no reason to refuse this part of the development.

- There would be one window to the front of the garage conversion overlooking the applicant's own driveway and a bathroom window to the rear. Other openings would overlook the rear garden on site only. There would be no windows in the side elevation facing no.5 Leyburn Close.
- The proposed dormer could be built as Permitted Development. It would be over 10m from the rear site boundary and there would be no windows which would directly overlook the rear garden of no.5 next door, or properties to the south west.
- By converting the existing garage two parking spaces would be removed from the site. However, the existing driveway to the front could accommodate upto four vehicles if required. This would be acceptable in this instance.

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 in terms of separation distance to the surrounding properties.

Protected tree to rear garden -

To the south east corner of the rear garden is a Beech tree which is protected under TPO number 31. The agent has provided a basic tree report and proposed site plan which shows where a protective barrier would be erected to ensure that no building works would take place and no materials would be stored. They have also noted where hand digging would be undertaken for the foundations which would ensure the protection nearby roots. A condition would be added to the decision regards the protected tree.

Parking -

The proposal would increase the number of bedrooms from 4 to 6 plus the new family annex 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. The site as existing has a drive to the front/side which would remain once the property is extended and the existing garage converted. Given that there would be around 14m of drive length remaining to the front of the converted garage and around 12m from the front of the new porch the applicant would still be able to park at least three vehicles within the site. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The neighbour's concerns have been addressed in the report above.

The applicant has provided drawings which outline land in their ownership and they have signed Certificate A to advise that all the development would be carried out within the residential curtilage. Any boundary concerns/disputes would be a civil matter and would not have any bearing on the planning decision. The neighbour concerned would need to discuss this directly with the applicant.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 PL01 Rev B, PL02 Rev B, PL03 Rev B and PL04 received on 21/09/2023 and drawing numbered PL06 Rev A received on 26/01/2024. as modified by the email from TDM Architectural Ltd dated 26/01/2024. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal 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.
- 4 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 5 Beneath all areas of the canopy of the Beech tree excavations and all construction work for the proposal hereby approved must be 'hand-dig' only. No storage of materials or equipment, or use of the area by vehicular traffic allowed as noted on the revised proposed site plan numbered PL06 Rev A received on 26/01/2024.
Reason: To safeguard the vascular and anchoring root systems of the trees to avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 30/01/2024			