

DELEGATED REPORT

Report by Jane Langan	Date of report: 19/05/2022	Ref: 68049/FUL
Registration: 01/03/2022	LDFC: 25/03/2022	Expiry Date: 26/04/2022
Site Visit: 09/03/2022	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: Single storey rear extension; Two storey side extension; First floor front extension; Loft conversion with roof extension

Location: 29 Ferndale Avenue, Whitefield, Manchester, M45 7GP

Description

The property is a dormer bungalow located along a road comprising of other bungalows of different design and some of which have been extended to provide accommodation in the roof space. The site has a drive and garden to the front and the drive extends to part of the side where there is a single storey attached building noted as a store and which extends into the rear garden. The garden is fenced and borders the rear garden to 42 Hillingdon Road, a two storey detached house. No.31 to the south side is a bungalow extended with accommodation in the roof space. To the opposite side No.27 is also a bungalow and extended single storey at the rear along the side boundary to the site and up to its rear elevation.

The application includes extending the property to add a first floor and which would also include extending two storey and first floor at the sides and a single storey at the rear. The proposal would add extended kitchen and dining area at ground floor and additional bedrooms and a bathroom at first floor. Although the application is described as a loft conversion there are no second floor plans submitted.

Relevant Planning History

None.

Publicity

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

- Overlooking and loss of privacy
- Loss of light to back yard
- House value effected due to loss of privacy
- Noise and disturbance caused by the new building when it is finished
- Over development of the site

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN6	Conservation of the Natural Environment

SPD6 Supplementary Planning Document 6: Alterations & Extensions
NPPF National Planning Policy Framework

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 - 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 application form describes this proposal as a loft conversion however as the plans show it is considerably more and the description has been revised following discussion with

the agent. It was also queried if the significant amount of development would result in the proposal being effectively a new dwelling. The agent has submitted a demolition plan to show where existing walls would be retained.

The side of the street the site is located on is characterised by bungalows some of which have been extended to provide accommodation in the roof space. The proposal would see the property increased to a two storey property with an approximate increase in height from 6.6m to 8.7m. This would see it significantly higher than the two adjacent properties and the design of the proposed roof having two side gables would further add to the bulk and massing of the property. It would appear out of character and as an intrusive feature in the street.

In terms of its design and materials then, in the appropriate location, it would be of an acceptable appearance for a domestic dwelling.

Parking - The proposal would increase the number of bedrooms from 2 to 4 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 at the front for parking of a least two vehicles. The proposal would see development on the area to the side of the property where the drive extends. The site plan indicates a 5m parking space and whilst it does not show 2 spaces there would appear sufficient space on the drive and there is further garden area available. The site plan could be updated to show two spaces and following this there would be no concerns regarding parking with in addition the area having on street parking and public transport available in the area.

Residential amenity - To the south side No. 31 is at a slightly lower level and its rear elevation would sit deeper than the proposed first floor to the site that would run alongside. No.31 has a door and window which to the side elevation which as existing look on to the separating fencing and side of the site. Where the site would sit deeper than No.31 at the front the proposal would not encroach a 45 degree line from the mid point its principle window to the front elevation. The proposal would have one window at first floor to the side to an ensuite noted as obscure glazed.

No.27 to the opposite side is extended single storey and the proposal would extend to be around level with its rear elevation. To this side the proposed gable wall would have a first floor window also noted to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor rear habitable room windows to the rear site boundary and a separation distance in excess of 13m from the extended rear of the site to 42 Hillingdon Road to the rear. The distances would be sufficient in order to comply with SPD6 Aspect Standards set out in order that the proposals do not result in significant loss of light, privacy or be overbearing developments.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal would comply with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties in terms of residential amenity but would be contrary with regard to visual amenity.

Other considerations

Whilst a demolition plan has been provided the proposal would see a significant amount of change to the property. This would include the removal of some exterior walls at ground level and the entire removal of the existing first floor except a small section of wall on the north side. The proposed exterior would be significantly different to the existing dwelling, in particular the front elevation, and including the proposed materials of red brick. The extent of the works proposed are substantial and there would be little of the original dwelling

remaining. As such it is considered that the proposal falls outside the scope of a householder application and requires a full application for demolition and new build.

Ecology - As the proposal includes significant demolition works, including the removal of the roof, then it is considered that a bat assessment is required to determine the impact on a protected species. No report has been submitted with the application therefore there is insufficient information to assess the application with regard to the impact upon protected species, in particular bats, which means that the proposals would be contrary to UDP Policy EN6 - Conservation of the Natural Environment.

Response to objection - The issues regarding loss of light and privacy are addressed in the above report.

Property value is not a planning matter.

Noise issues during construction or after would be dealt with via Environmental legislation where appropriate.

The proposal could accommodate the extensions whilst retaining adequate amenity outside space therefore this element is not considered to be overdevelopment however its impact on the street scene would be unacceptable as covered in the above report.

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 development would, by reason of its size, position and design, be a prominent and intrusive feature in 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.
- 2 The proposal would require significant demolition works that would not maintain the existing fabric of the dwelling and therefore the application cannot to be adequately assessed as a householder application.
- 3 The application and submitted plans contain insufficient information regarding the impact of the proposed development on bats, which are a protected species under the 1981 Wildlife & Countryside Act (as amended) and The Conservation of Habitats and Species Regulations 2010.
The proposal is therefore contrary to Policy EN6 - Conservation of the Natural Environment of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	19/05/22		

