

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/11/2020	Ref: 65858/FUL
Registration: 05/10/2020	LDFC: 28/10/2020	Expiry Date: 30/11/2020
Site Visit: 20/10/2020	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side and rear extension including balcony to the front; Rear dormer extension; Outbuilding in rear garden

Location: 411 Manchester Road, Bury, BL9 9RY

Description

The property is a bay fronted semi detached house. It has a low brick wall and railings along the frontage and part of the side, the rear garden is screened by higher concrete post and panel fencing. The rear garden consists of a patio from the rear of the house with a lawn and further patio at a lower level. To the end of the garden on the raised patio is a detached outbuilding. Beyond the rear boundary are the rear gardens to 6-10 Fletcher Fold. The adjoining semi is No.409 and is extended single storey at the rear. To the opposite side the site borders a path that leads from Manchester Road through to Fletcher Fold Road, across from this is 417 Manchester Road.

The application includes extending the hipped roof to a gable and a two storey extension at the side coming out 3.8m. This would run for 6.5m along where it would then come out a further 1.2m to form a two storey rear extension 4.3m deep and 8.5m across. The ground floor would extend across single storey up to the party wall and to the south side of the rear extension a section would be 1.7m deeper for 2.8m across. The extended gable roof would have a flat roofed dormer added to the rear. To the rear garden a flat roofed outbuilding would be located to the rear boundary with a footprint of 10m across by 4.5m wide with a further canopy 1m deep to the front elevation.

Relevant Planning History

62565 - Change of use of land (Goshen Lane) adjacent 411 Manchester Road and 10 Fletcher Fold Road to garden; New boundary fences, walls and railings - AC 23/05/2018

51427 - Change of use of land (Goshen Lane) adjacent 411 Manchester Road and 10 Fletcher Fold Road; New boundary fences, walls and railings - AC 21/04/15.

Publicity

Surrounding neighbours were notified by letter and two responses have been received from 6 & 8 Fletcher Fold Road their concerns in summary are:-

6 Fletcher Fold Road

- Rear dormer is excessive and won't blend in with the other houses
- Dormer windows will give direct views to mine and neighbours gardens and rear rooms. Could they not be windows in the roof or frosted glass.

8 Fletcher Fold Road

- Object to the outbuilding. Backs onto our whole garden and will obstruct the natural light due to the size of the pitched roof.
- Already have issues of light due to the huge extension of our next door neighbours house which we tried to object against but they were granted anyway.

- If they were to re-design the outbuilding to have a flat roof rather than pitched this would at least give us more natural light into the whole of our garden.

Statutory/Non-Statutory Consultations

None.

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 - The proposed extension would come close to the boundary however there is a 3m wide footpath to the side and therefore terracing would not be an issue. The proposal would see the existing roof extended out to a gable and the side extension would have two sections of hipped roof. Whilst the pitch would differ the shallower section would be to the section of the rear extension which comes out 1.2m to the side and it would be set well back from the frontage. The front first floor would have a balcony 1.5m deep and this first floor section would overhang the ground floor by 0.8m at the side. The balcony would be enclosed with railings across the front with doors opening out from the first floor. Whilst balconies are not a common feature in the area the proposed one would not be of a size or design that would result in an intrusive feature in the street. To the rear the two storey roof would be hipped with the single storey sections monopitch. Materials for the extensions are noted to be brick and roof tiles and a standard matching condition is added.

The dormer would be flat roofed and would be visible from the side path. Hip to gable roof extensions with a flat roof dormer can be constructed under permitted development and this is a material consideration to this element of the proposal. The dormer walls are noted to be tile hung and a standard matching condition is added.

The outbuilding would be flat roofed and located in the rear garden. It would be situated at the lower lawn level and the walls would be finished in matching brick. Whilst the building would have a large footprint it would be flat roofed to a height of 2.6m and its location within the rear garden, which is screened along the footpath by fencing, would not see it as an overly intrusive feature.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would result in a property with 6 bedrooms 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 has this level of parking as existing and the area is high access in terms of public transport.

Residential amenity - Where adjacent the adjoining semi the proposal would be single storey and project less than 3m from the rear of this property as extended. Where two storey it would not encroach across a 45 degree line from the mid point of the first floor habitable room window to the rear of this neighbouring property. No.417 is located across the footpath and has a garage at the side and garden area. The house has two windows to the top of the side gable wall. The proposal would have a secondary bedroom window to the first floor side elevation and in order to prevent overlooking to No.417 this is noted to be obscure glazed. A condition is added for this to be maintained.

There would be a distance in excess of 7m from the proposed first floor windows to the rear boundary. The outbuilding would run along the rear site boundary and for the most part the garden to 8 Fletcher Fold Road. There would be a distance well in excess of the 6.5m SPD6 Aspect Standards requires from a principle neighbouring window to a single storey wall. The scheme has also been revised from the originally submitted pitched roof to a flat roof with a height at 2.6m which would see it only marginally above the height of permitted development outbuildings. Proposed section plans have also been provided. There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour objections - The size and design of the dormer is addressed in the above report.

The dormer windows would be 19m from the rear boundary which would be in excess of the distance required to comply with SPD6 Aspect Standards which is 7m plus an additional 3m with the windows at a storey higher.

The outbuilding has been amended to have a flat roof and more than complies with SPD6 in terms of the separation distances, as noted in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 2, 3A, 4, 5, 6A, 7A, 8A, 9A, 10, 11, 13, 14, 15, 16 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.
- 3 The external finishing materials for the proposed extensions 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 The walls to the dormer hereby approved shall be tile hung to match the existing roof.
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.
- 5 Before the first occupation of the extension hereby permitted the windows to the first floor south side elevation shall be fitted with obscured glazing, as noted on plan 07A, and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u> JL	<u>Date</u> 18/11/20	<u>Sign off Officer</u> DM	<u>Date</u> 20/11/20
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