

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 29/04/2022

Ref:68133/FUL

Registration: 07/03/2022

LDfC: 22/04/2022

Expiry Date: 02/05/2022

Site Visit: 28/03/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension to side and single storey extension to rear

Location: 22 Newington Avenue, Prestwich, Manchester, M8 4LT

Description

The application relates to a two-storey semi-detached house on a residential cul-de-sac of similar properties, within a triangular plot and its footprint set at an angle due to the shape of the street. There is an existing kitchen extension to the rear plus a detached garage. The attached neighbour has a single storey extension at the rear and the neighbour on the other side is as originally built with the exception of a detached garage. To the rear is a large garden and side boundaries have little in terms of natural screening although the rear boundary has extensive but good mix of trees/ shrub planting.

Planning permission is sought for a large two-storey extension for which the ground floor would project out at the front matching the existing front building line with a monopitch roof although the first floor section is of an unusual roof design shape with a void in the structure and continuous soldier course above the small 3 windows, at the side a two-storey section extending up to within 1m of the shared boundary with a partly hipped-roof, and at the rear there would be a mainly two storey extension matching the existing protruding kitchen extension with a gable roof facing the large rear garden, plus a small single storey section with a sukkah roof alongside the shared boundary with the attached neighbour. Materials would match existing.

The existing kitchen extension and detached garage would be demolished and front parking space lost to make way for the extensions. The side elevation would have two large windows directly overlooking the neighbours rear garden, while there would be large patio doors to the rear overlooking their own garden. There would be a separation of between 13m-21m to the rear boundary which has extensive small trees and shrub planting.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 10/03/2022 and 31/03/2022 sent to 7 (seven) neighbours. One objection was received.

Objections -

Concerns are summarised below:

- The rear extension [will] have a negative impact on my property and amenity space due to loss of daylight / sunlight as a result of unacceptable levels from

overshadowing. The proposal as it stands, will affect the daylight I receive via my rear lounge window (the only primary opening I have within the room).

- Guidance outlined within SPD11 Appendix 1: The 45 Degree Rule, references single storey extensions encroaching beyond the 45-degree line taken from the centre of a principal window. This current proposal shows that the single storey rear extension would fall foul of this.
- I would implore the Local Authority to request a revised proposal more in line with the guidance set out in the SPD.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

Traffic – Objection to the lack of off-road parking on this tightly constrained cul-de-sac.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design

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 - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the front elevation of the extension is out of keeping with the existing house and wider streetscene. Situated at the front, side, and rear, the extension would be readily visible from the public arena, and although its scale is considered to generally acceptable given its location tucked away at the end of a cul-de-sac, its front design (visible from the public arena) is considered to have an unusual design incorporating a void in the roof shape, plus poor window fenestration (first floor has 3 small windows with poor alignment to the ground floor). This creates a somewhat poor design together with confusing visual appearance and is therefore considered to be inappropriate for this property and streetscene.

At the rear of the property the applicant proposed a large gable extension facing overlooking their rear garden with good fenestration and a symmetrical design. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

Although materials would match existing and the design of the rear elevation is acceptable, it is considered that the front elevation is unacceptable due to the poor visual design. In this respect the extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the 13m-21m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to the attached neighbour at No.24 as it complies with the '45-degree rule' within SPD6 (current rules allow for a 3m extension before consideration of the 45-degree rule). In terms of the unattached neighbour at No.20, the impact of the extension is more significant due to the scale of the rear/side extension and due to the position of the proposed large side windows that would overlook that neighbours rear garden. Overlooking to this neighbour is minimized by the applicants agreement that

these large habitable side windows can have obscure glazing, while the 45-degree rule is considered to have low weight due to the angle/shape of the plot and the neighbours existing side garage.

The kitchen door on the side elevation of No.20 cannot be given a great deal of weight.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the north of No.20 and SE of No.24. The extension would have an impact on part of the rear garden at No.24 around midday, but any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact on No.20 or No.24 to warrant refusal.

With this regard the extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways – The proposal would result in the loss of both the existing garage and existing off-road parking space.

The proposal would increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area with public transport nearby. Existing on-site parking provides 1 car space plus a garage (two spaces in total), and although there is technically parking available on street this is largely impractical due to the tight constraints of the cul-de-sac. It would be unreasonable to expect residents to have to park up the street when an off-street space could have been provided with a relatively large curtilage such as this. Given the situation it is therefore considered that the parking arrangements are seriously inadequate.

The extension would be unacceptable and fail to comply with UDP Policy HT2/4 and associated guidance in SPD11.

Note to objectors – The development proposal has been assessed with regard to issues raised around amenity space, daylight / sunlight, overshadowing, and the 45-Degree Rule. However, as discussed above, it was considered that these issues are not serious enough to warrant refusal.

Conclusion – In consideration of the above, it is considered that the proposed development would not be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be unacceptable and fails to comply with UDP Policies: HT2/4 - Car Parking & New Development with associated guidance in SPD11: Parking Standards, and H2/3 - Extensions and Alterations with associated guidance in SPD6: Alterations & Extensions, in addition to EN1/2 - Townscape and Built Design, and EN1/1 – Visual Amenity. No pre-application advice was sought, and despite being given the opportunity, the applicant did not submit any revised plans.

Communication – The LPA has contacted the agent to explain the issues and give the opportunity to submit a revised design. Unfortunately, a choice has been made not to submit any revised plans to the Local Authority despite concerns being raised. Additionally, there was no pre-application. NPPF paragraph 41 is clear when it states that "The more issues that can be resolved at pre-application stage.... the greater the benefits " and this is further clarified in terms of design in paragraph 132 which states that "Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests." Whilst the LPA cannot insist that this approach is undertaken, in this instance it is considered that this would have been beneficial.

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Consideration was given to whether an improved design could be achieved, for example by extending the shape of the roof to create a more traditional roof shape without the void. However this option was not progressed due to the more pressing concern of the lack of off-street parking which would overlap the same section of the proposed footprint.

The agent acting on behalf of the applicant was approached during the application process to make amendments to the proposal citing the following concerns:

- The proposed parking provision would be inadequate and should be retained.
- The design of the front elevation is unsatisfactory.
- To achieve any planning approval the proposal should retain the existing parking space and have an improved front elevation design.

However, other than a 3D image representation of the original proposal no revised drawings were received, although the agent has submitted a statement contending that a similar proposal has been approved at 10 Moss Lee Avenue nearby. However, although that proposal also appears to have a similarly poor roof shape/ design, it appears to have been a compromise to maintain at least one off-street parking space within the relatively shallow front curtilage area. Nevertheless, the existence of poor design elsewhere is not a justification for poor design in a new proposal. As such it is considered that the proposed development should still be recommended for refusal.

Recommendation: Refuse

Conditions and Reasons:

- 1 Due to the loss of both the existing garage and off street parkign space, there is insufficient car parking provided within the site to comply with the Council's parking standards in respect of the proposed development. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: HT2/4 - Car Parking and New Development, and associated guidance in SPD11 - Supplementary Planning Document 11: Parking Standards.
- 2 The design of the front elevation of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 - Extensions and Alterations with associated guidance in SPD6: Alterations & Extensions, EN1/1 - Visual Amenity, and EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	29/04/2022		