

DELEGATED REPORT

Report by Amanda

Date of report: 29/04/2024

Ref:70604/FUL

Uhunmwagho

Registration: 18/03/2024

LDFC: 17/04/2024

Expiry Date: 13/05/2024

Site Visit: 10/04/2024

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: First floor front extension; Front porch

Location: 11 Marle Croft, Whitefield, Manchester, M45 7NB

Description

The application relates to a two storey property with a converted garage to the front and a single storey extension to the rear. Although the garage has been converted into living accommodation the original garage door remains to the front elevation. At the front is a small garden area with mature hedges to both side elevation as well as part of the front. There is parking on site for two vehicles. There is a private garden to the rear and a single storey rear extension to the main dwelling.

The proposal is to build a first floor front extension projecting 3.5m forward of the existing front elevation above the existing garage conversion below. It would be built across the whole width of the ground floor and the roof would be pitched with a new bedroom window to the front and en-suite bathroom window to the side.

Relevant Planning History

02879/E - Two storey front extension - Enquiry completed 28/08/2023

70322 - First floor front extension and front porch - Refused 26/02/2024

Publicity

7 neighbours notified on 26/03/2024 - One objection received.

The proposed first floor extension will impose directly on the adjoining property and is believed to be in breach of ROLA 1959. The proposed first floor extension is on the elevation that is parallel with the lounge, office, hallway, landing and bedroom and the currently proposed extension length would contravene a 45 degree angle from habitable rooms by more than 1200mm with substantial impact on natural daylight to the mentioned rooms that is provided from the front South Westerly direction

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

PFE Places for Everyone

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.

Marle Croft consists of two storey detached properties which all have slightly different styles, with a variety of finished materials and many have been extended. The two adjacent properties also have first floor front extensions.

The extension would project 3.5m forward of the existing front elevation, which would be slightly larger than the first floor extensions at the adjacent properties. However the extension would be set back from the highway in front by around 8.6m and it would be set back from the front extension at no.13 next door which would help to retain the current staggered appearance of numbers 5 to 15 Marle Croft. The proposed finished materials would be considered to be in keeping with the existing building. As such the proposal would not have any significant detrimental effect on the character of the existing streetscape. 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 extension would be a sufficient distance from neighbouring properties to the front of the site not to have any significant detrimental impact on residential amenity at those properties.
- The south side elevation would be around 6m from the shared boundary with no.13 Marle croft and there would be no windows in this side elevation. As such it is considered that there would be no significant detrimental impact on residential amenity at no.13 next door.
- There would be one new en-suite window to the first floor on the north side elevation. As this window would be obscurely glazed it would not cause any significant harm in terms of residential amenity at no.9 Marle Croft next door. A condition would be added to the decision to ensure that the new window would be obscurely glazed and should remain as such in the future.
- The first floor extension would project around 4.4m forward of the front elevation of no.9 Marle Croft which is to the north of the site. There is a gap from the side of the existing property to the shared boundary with no.9 measuring around 1.1m with a gap of around 600mm on the opposite side of the boundary to the side elevation of no.9. This would remain the same once the extension would be built.
- There is a large ground floor window to the front of no.9, which is to a lounge according to drawings for no.9 submitted with a planning application for extensions at that property which included a first floor front extension and single storey extension to the rear (Ref 66181). Prior to being extended the lounge had windows to the front and rear elevations, but the owners of this property chose to add a single storey extension to the rear which removed an original source of light from the lounge, leaving the main front window and two smaller windows to the side elevation.
- The revised proposed site plan received on 10/04/2024 shows that the 45° rule with regards to the ground floor lounge window to the front elevation of no.9 Marle Croft would be contravened by around 500mm. It is considered that due to the site being due south of no.9, even if the projection of the extension was reduced by 500mm it would not have any less of an impact on light to the front garden and ground floor habitable room window next door than the proposal would as it stands.
- Given that the site is due south of no.9 there would be some detrimental impact on the path of sun light to the front of that property, including its front garden. However, the front garden of no.9 is open to the highway in front and would not be considered to be a private garden area. Any detrimental impact on this area would not be sufficient enough to warrant refusal of the proposal.
- The proposed development would not have any impact on the existing parking arrangements within the site.

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.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 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 an area at the front for parking two vehicles and this would remain following the first floor extension being built. There are no parking restrictions to the highway in front and there is public transport close by. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

Right to light is considered to be a legal easement but it is not part of planning legislation. As such it is the responsibility of the LPA to assess whether any encroachment of the 45° line would be significant enough to warrant refusal, or not. The neighbour's concerns have been addressed in the Residential Amenity section of the report above.

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 drawing numbered 2611_WHI_05_Planning received on 18/03/2024 and drawing numbered 2611_WHI_06_Planning_Rev_A received on 10/04/2024 as modified by the email from CD Wilkinson Plans dated 10/04/2024. 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 Before the first occupation of the extension hereby permitted the first floor en-suite window on the side elevation shall be fitted with obscured glazing 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	29/04/2024	DM	29/04/2024