

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 27/02/2023 | <b>Ref:</b> 69058/FUL          |
| <b>Registration:</b> 07/12/2022 | <b>LDFC:</b> 23/02/2023           | <b>Expiry Date:</b> 01/02/2023 |
| <b>Site Visit:</b> 04/01/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey front extension; Single and first floor rear extension; Loft conversion with rear dormers, roof extension at side with pitched section to the front

**Location:** 61 Kings Road, Prestwich, Manchester, M25 0LQ

**Description**

The property is a semi detached house the pair having a twin front gable design. It site sits at a higher level than the footpath with steps up and a garden at a higher level. There is no off street parking. The front boundary consists of a low brick wall and above concrete post and panel fencing has been added. There is a path along the side leading to a shallow rear garden and the property has been extended single storey at the rear. The adjoining semi is No.63 and has a main window to the party wall side and then a single storey extension. To the opposite side No.59 is extended two and single storey at the rear. Its rear roof slope has a dormer which extends on to the two storey section. To the rear the site borders the rear boundary with 12 Salisbury Drive which is around a storey higher and has been extended two and single storey at the rear. There is a retaining wall and then fencing above which separates from the site.

The application includes a single storey extension at the front 1m deep and 6.5m across extending the lounge and entrance hall. To the rear a single storey would come out 6m to the party wall side for 3.6m across linked to the existing ground floor extension. A first floor extension would come out 1m deep to the party wall side then angled across at a 45 degree line to come out 5.4m deep to the outer side. To the rear a flat roofed dormer would extend from the original and on to part of the extended roof slope. The extension would form a larger succah at ground floor. A laundry, office and extended bedroom at first floor. The extended roof space would have 4 additional bedrooms, an ensuite and utility. The proposal to increase the height of the front fencing to 1.8m has been removed from the scheme.

**Relevant Planning History**

55260 - Single storey extension to rear - AC 03/07/2012

65682 - Single storey extension at rear and first floor extension at rear; Loft conversion with rear dormer and roof extension at side; Front porch and external alterations - AC 18/08/2020.

**Publicity**

Surrounding neighbours were notified by letter on 13/12/12. Two further letters were sent on 10/02 and 13/02 with regard to amended plans and amended description (the single storey front had not been included). One response has been received from a nearby neighbour who supports the application. The comments in summary are :-

- Family need the extra space
- Family deserve the space
- No scope for a house-move at the current climate, nor would I fathom losing my

precious neighbour and close friend

**Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection subject to a materials storage condition.

**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 single storey front extension would not project excessively at 1m from the main frontage. It would have a pitched roof. The main roof of the house would be extended out at the side to form a gable. Materials are noted to be brick and roof tiles to match the existing. In terms of the street scene the proposal is considered acceptable.

The application as submitted proposed to increase the height of the fencing at the front to 1.8m. The agent has removed from the scheme as it was advised it would not be supported. There is no record of permission for the existing fencing and it appears from google maps that it has been erected less than 4 years ago. The matter is referred to enforcement for investigation. The agent has been advised.

To the rear the single storey would be flat roofed with a succah roof light. The first floor would have a hipped roof to the deeper section and a monopitch to the shallower section. The rear dormers would be flat roofed and part extend on to the rear two storey. Whilst they would be bulky and appear as a flat roofed three storey extension they would not be visible from the main street view. The view at the rear is of flat roofed dormers along the row from the adjacent No.59 down and to the rear where the property is a storey higher. In conclusion, in this instance, the proposal is considered acceptable and there are not considered to be grounds for refusal with regard to harm to the visual amenity of this area.

**Parking** - The proposal would increase the number of bedrooms from 4 to 7 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 no off street parking and there is no scope for any to be created. The area has on street parking and there is public transport available. There are not then considered to be grounds for refusal with regard to parking.

**Residential amenity** - The adjoining No.63 is not extended at the rear, it has a bay window to the party wall side then a single storey extension. The proposal has been revised in order that the first floor and dormer above would not encroach a 45 degree line taken 1m out along the shared boundary to comply with the criteria as set out in SPD6. The single storey would project 6m along the boundary from the rear of No.63. This is considered acceptable as there have been no objections and 6m would be allowed under the larger homes scheme.

To the opposite side No. 59 is extended two storey and with a flat roofed dormer above and the proposal to this side would extend to be around level. There would be an additional bathroom window to the existing first floor side elevation and a side window to the utility room in the dormer. A condition is added for obscure glazing.

SPD6 sets out aspect standards and separation distances in order to prevent loss of privacy and overbearing relationships. To the rear there would be a distance of 7.5m from the proposed first floor bedroom window to the boundary which would be sufficient. The proposed office, whilst a non habitable room, would be closer to the boundary at 5.1m. It could be at some point converted to a bedroom therefore a condition is added for this window to be obscure glazed. The agent has also revised the plan to note this. The dormer windows would be to a bedroom and ensuite. The ensuite would be to the deeper section of the dormer and a condition is added for obscure glazing. The bedroom window would be less than 10m to the rear boundary at approximately 8.2m. The property to the rear at 12 Salisbury Drive is around a storey higher and extended close to the rear boundary its first floor window obscure glazed. Taking into account the levels this is considered sufficient in this instance. In terms of considering overbearing development then in this area large roof extensions are a common way of extending. The properties in the immediate vicinity are all in very close proximity to one another and to note that no neighbour concerns have been

raised following the three notification letters.

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.

**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 001, 002 Rev A, 003 Rev B, 302 Rev B 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      Before the first occupation of the extension hereby permitted the office window to the first floor rear elevation shall, as noted on approved plan 300 Rev B, 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.
- 4      Before the first occupation of the extension hereby permitted the ensuite window to the rear dormer 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.
- 5      Before the first occupation of the extension hereby permitted the bathroom and utility/services windows to the west 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.

- 6 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| JL                  | 27/02/23    | DM                      | 27/02/23    |