

DELEGATED REPORT

Report by Amanda

Date of report: 09/05/2025

Ref:71647/FUL

Uhunmwagho

Registration: 26/02/2025

LDfC: 31/03/2025

Expiry Date: 23/04/2025

Site Visit: 21/03/2025

Site Notice: N/A

Press Date: N/A

Objections: 4

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side/rear; New front porch; Loft conversion with rear dormer; 1 rooflight to the front and 2 rooflight/balconies

Location: 36 Agecroft Road East, Prestwich, Manchester, M25 9RT

Description

Planning permission was previously granted at this site on 10/10/2023 and building on site is almost complete. Building works have currently ceased as the development is not being built in accordance with the previously approved drawings. The majority of the proposal remains as previously approved. The changes include two balcony style rooflights to the front, in place of two regular style rooflights and as there would be some internal changes to the loft there would be a change of window position to the dormer. The overall footprint of what is proposed is the same as what was previously approved and there are some changes to the internal layout of the property.

The application dwelling a two storey semi-detached house which fronts on to Agecroft Road East with Hollyedge Drive to the east. The site is considerably higher to the front compared to the rear and there is a driveway to the front of the dwelling providing on site parking for two vehicles.

The proposal is for extensions to the side and rear, a new front porch, loft conversion with flat roof rear dormer, 1 rooflight and 2 rooflight/balconies to the front.

The proposed drawings show that the extension would project 3.7m to the side of the existing property and it would have an overall length of 10.5m. At the rear it would project 3.5m from the existing rear elevation and would measure 8.9m wide. At the rear the two storey element would measure 5.6m wide and would be around 3.26m away from the shared boundary with the attached property. The two storey extension would have a pitched roof built to the same height as the ridge height of the existing dwelling and the roof to the single storey section at the rear would be flat with a raised roof lantern. There would be bay windows to the ground and first floor of the front elevation.

The rear dormer would have a flat roof. The proposed drawings show that it would be set in from the side elevation and party wall with the attached neighbour, as well as being set back slightly from the main rear elevation. The roof of the dormer would be no higher than the ridge and the dormer walls would be finished with grey composite cladding. In addition to the rear dormer there would be three rooflights installed to the front of the property. Two of these would be balcony style rooflights.

The proposed porch would be built central to the front elevation. It would project 1.19m forward of the front elevation and it would measure 2.22m wide. The roof would be pitched.

Relevant Planning History

67780 - Two storey extension at side/rear; Raised patio with glass balustrade and steps to garden level at rear; New front porch - Approve with Conditions 19/01/2022

69972 - Two storey extension at side/rear; New front porch; Loft conversion with rear dormer - Approve with Conditions 10/10/2023

25/0025 - Not built in accordance with approved plans of planning permission 69972 - 07/03/2025

Publicity

9 neighbours were notified on 10/03/2025 - Four objections were received. The objections are listed below.

- The application is retrospective to cover work already completed that isn't in line with the current planning permission.
- The plan revision states, 'front roof windows enlarged'; however please also note that the roof level plan includes a change of layout to include an additional bedroom in lieu of storage area served by one of the enlarged roof windows, which increases the habitable floor area of the roof space and further increases privacy and overlooking concerns. The rooflight is now a street facing principle window to a habitable room.
- The updated plans describe 'roof window' 78x252cm. This doesn't fully describe the already installed roof windows which are 'Velux Balcony' windows (Velux trade name) that Velux confirm 'converts into a balcony in seconds'. The glazed window spans from just above finished floor level to above typical ceiling height to form a fully glazed element in the street facing roofscape. The lower glazed element opens to a vertical plane at circa 1.1m above roof level with associated handrails and guarding above roof level, with the upper glazed pane opening to a horizontal position projecting a significant distance above the sloping roof plane. Occupants can stand outside the sloping roof plane to gain a 'panoramic view' (Velux description) along the street and into neighbours' gardens and properties which was witnessed as the windows were installed in Jan 2025.
- We would suggest, in line with H2/3 planning policy, the introduction of balcony roof elements at pitched roof level and street facing is not in line with the character of the street or any local properties.
- We also believe proposals are not in line with SPD6, section 3.1, which seeks to ensure the proposals do 'not reduce privacy through direct overlooking from windows, balconies or areas or raised decking'. The balcony element on the right of the street facing elevation is circa 2m from the adjoining boundary with the neighbour entitling the occupant to stand beyond the current roof line and look directly down into the neighbouring front garden. The increased height and opening area of the balcony provides a direct line of sight into the bedrooms of opposing properties.
- SPD6 Section 6 states, 'any dormer which results in undue overlooking of a neighbouring property will be unacceptable'. The introduction of balcony roof lights therefore results in undue overlooking and should be considered unacceptable.
- The current permission includes 3 no rooflights of suitable size and opening at or above head height in the dormer roof space. This additional application should be rejected on the grounds outlined above and corrective work undertaken to comply with the original window type and size.
- Whilst writing, the revised plans don't appear to resolve the increased height of the ridge line above the neighbouring property. The dormer roof is constructed to meet the new ridge line (which itself is outside the guidance of SPD6 Section 6.1) at a height above the ridge line of the adjoining property - this is also not in line with the current planning permission.
- I wish to formally object to the newly installed balcony Velux roof windows at this address, which directly overlook our bedroom windows. When opened, they create a severe privacy intrusion, allowing unrestricted views into our private living space.
- This level of overlooking is unacceptable and significantly impacts our right to privacy. Many local planning policies emphasize the importance of protecting the privacy and amenity of neighboring properties. Permitted development rights typically do not allow

for windows that result in direct overlooking into habitable rooms of adjacent properties. If these windows were installed without the necessary planning permissions, enforcement action should be considered.

- We urge the council to take this matter seriously and act to protect the privacy and well-being of affected residents. Please keep us informed of any updates regarding this complaint.
- The property is not in keeping with those in the area.
- The roof lights, which have already been installed prior to planning permission being obtained, convert to balconies when opened which will have a real impact of many of the neighbour's privacy. The residents will have direct views in to my daughter's bedroom.
- We wish to strongly object to the this planning application. Our previously private back garden is now completely overlooked with many windows which has a detrimental impact on us. The installation of these balcony style Velux windows means that our front garden is also totally overlooked, again, impacting our privacy. The balconies were installed without planning permission and are definitely not in keeping with the other properties in the area. We don't understand how this was not picked up by building control.
- This build has caused us multiple issues since it began almost two years ago, some of which Bury council were aware of, but gave us very little support.
- The design of the property has changed markedly from the original application 67780, which we did not object to, through applications 69972 and the current application. The building is now far bigger than the original and has had a detrimental effect on the surrounding neighbourhood.

9 neighbours notified on the revised proposal description on 03/04/2025 - Two neighbours responded stating the following.

- I understand that the description of the proposal has been changed but this doesn't affect my previous comments as the fundamental issue here is obviously the size and impact of the balcony elements (the misleading way they are described in the application is very much a secondary concern). It goes without saying that we still strongly object to this application for the reasons stated and hope the application will be recommended for refusal.
- My objection was based around the windows converting to balconies, and the intrusive nature of that. I referred to them as roof lights in my objection for consistency with the report. Just to be really clear, I strongly object to the property having roof lights/balconies due to the invasion of privacy caused, with the direct view someone using the balcony would have into our front bedrooms.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The proposed extension would have bay windows to the ground and first floor on the front elevation, which would reflect the existing bay windows on the front of the building. In addition the extensions would be built with materials and a design that would be considered to be in-keeping with the original building, as well as with other in the streetscape.

Most properties along Agecroft Road East have the original hipped roofs. As such the

proposed pitched roof to the two storey extension would appear very different in the streetscape. However, the applicant could convert the existing hipped roof to a pitch under permitted development rules, depending on the volume increase. As such there would be no reason to refuse the proposal to create a pitched roof. It is also noted that the previously approved proposal also had a pitched roof.

Given the property occupies a corner position the rear of the site is as visible as the front, particularly as the site is raised compared to properties on Hollyedge Drive to the rear. As such the proposed dormer would be fully visible from off site. There are not many examples of rear dormers in the immediate vicinity, so the dormer would appear different in the streetscape. However, the applicant could erect a rear dormer under permitted development rules had it been solely on the original roof, which wouldn't be much smaller than what is applied for now. As such there would be no reason to refuse the rear dormer in this instance.

There would be three rooflights to the front of the building. Two of the rooflights would be balcony style meaning the whole of the rooflight could be opened up for use as a balcony. Although the rooflights would appear to be the first of their kind along Agecroft Road East it is noted that for the majority of the time the windows/rooflights would be closed and as such would not have any more of an impact on the existing streetscene than other traditional style rooflights.

The proposed porch to the front would be considered to be in keeping with the original building.

SPD 6 also states that extensions adjacent to a highway should be set back at least 2m from the boundary. However every site is assessed on its own merits and a lesser set back may be acceptable in some cases. In this instance part of the front of the extension would be just under 2m from the boundary (around 1.81m) but the majority of the building would be set back by 2m. In this instance given that the property is set well back from the highway in front and away from the junction with Hollyedge Drive and most of the extension would be set back by 2m or more, 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 -

- Properties to the front of the site would remain over 30m away from the extended property and there would be around 5.7m from the front of the bay window to the front boundary. As such the front of the extension would be no closer to the highway in front than the existing building.
- The porch would not have any significant detrimental impact on residential amenity in the local area.
- There would be at least 13m from the side elevation of the two storey side extension to the side elevation of 38 Agecroft Road East and there is a road in between the two properties. As there are no habitable room windows to the side of no.38 and there would only be an obscurely glazed bathroom window to the side elevation of the extension this distance would be acceptable in terms of SPD 6.
- The rear elevation of the extension would be around 10m away from the two storey side elevation of 2 Hollyedge Drive and there are no habitable room windows to the side of this property.
- The two storey extension would be around 7.7m from the rear boundary which would be inline with recommendations as set out in SPD 6 and any views from the new rear first floor windows would be over the drive way and front garden only of this property.
- The single storey rear extension would project around 800mm past the rear elevation of the single storey extension at no.34 next door and it would have a flat roof. As such it is considered there would be no significant detrimental effect on the rear ground floor

window at no.34 next door.

- The two storey extension would be built away from the shared boundary with no.34 and the 45° rule would be satisfied with regards to the first floor habitable room window on the rear elevation of no.34 next door.
- The plans show that the dormer would provide a bedroom, office and a shower room. As the site is much higher compared to Hollyedge Drive at the rear anyone using the study in the dormer would have views over the roof at no.2 Hollyedge Drive and the new bedroom window would have views over the front gardens and road along Hollyedge Drive. However, the fact a dormer could be built as permitted development in more or less the same position, has to be taken into consideration and also that a study/office would not be considered to be a habitable room. As such the dormer would be considered acceptable in the position shown.
- The previous approved application showed three regular style/size rooflights to the front. However, the applicant has already installed two larger balcony style rooflights. As such the impact on privacy at surrounding properties and gardens needs to be considered. Users of the loft rooms would be able to stand out on the balcony and would have views over the highway in front and towards the front elevations of neighbouring properties. As properties to the front would be around 30m away from the front of the application property it is considered that there would not be any significant detrimental impact on privacy levels at those properties.
- Users of the balconies would have views over the neighbouring front gardens. However, front gardens, in general, would be visible from the highway already and they would also be overlooked by existing first floor windows to the front elevations. As such any overlooking from the balconies would not be considered detrimental enough to warrant refusal of the application in this instance.
- The applicant has signed certificate A advising that all of the development would be within the site boundaries and there would be no encroachment to the neighbouring properties or highway.

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 and the 45° rule from nearest relevant window of the adjacent property.

Parking -

The proposal would result in there being three bedrooms at the property which would be the same as the existing dwelling, plus a study therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking for two vehicles to the front of the site. There is public transport available and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

Most of the neighbour objections have been addressed in the report above.

The application has been submitted retrospectively because the applicant had built part of the development, not in accordance with the previously approved plans. As such the current application has been submitted to regulate the discrepancies.

The impact of the two larger rooflight/balconies to the front has been addressed in the Visual and Residential Amenity sections in the report above.

One of the objectors noted that the dormer was not in line with the current approved planning application as it has been erected at a height above the ridgeline of the adjoin property. As such a further site visit was carried out and photos taken of the roof. The agent also submitted a photo that the applicant had taken, showing that the dormer is set down from the ridge. Additional photos taken of the property also show that the ridge is not higher than the attached dwelling.

An email was sent to one neighbour in order to explain that the Council weren't late in notifying neighbours of the proposal, but that the applicant had previously had planning approval and they began works as part of that approval. They were advised that the new application has some differences to the previously approved, which is why they had to submit a new application.

Any problems arising concerning debris or dirt and such from the site being scattered on the adjacent highway would initially be a private matter where the concerned neighbours could approach the applicant, or their builders about. If problems persist they would need to make a complaint to environmental health. This would not be something that would affect the decision.

The size of the extension is quite large, but the site is also large and sufficient enough to accommodate the extended property without the area becoming over-developed. Ample amenity space would remain to the front, side and rear of the dwelling.

The application property more than a sufficient distance from surrounding properties not to have any significant detrimental impact on privacy levels and light available to the neighbouring homes and gardens. Separation distances would be acceptable in terms of SPD 6.

One objection was that the area could end up with hideous attachments of all sizes, to properties in the area which would spoil the feel and look of the area. Every planning application would be assessed on its own merits depending on the type/size of site, adjacent properties and if there are any site specific restrictions. The appearance and size of the proposed extension at 36 Agecroft Road East has been assessed in the visual and residential amenity sections of this report.

Conclusion - The proposal is considered acceptable in terms of visual and residential amenity and conforms to the 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, and Places for Everyone Joint Development Plan listed.

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 drawings numbered NA-P01 Rev A, NA-P02 Rev A and NA-P03 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 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, and Places for Everyone Joint Development Plan listed.

- 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 windows to the east side elevation and the bathroom 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 09/05/2025		DM	09/05/2025