

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 20/12/2021

Ref:67435/FUL

Registration: 08/11/2021

LDfC: 29/11/2021

Expiry Date: 03/01/2022

Site Visit: 09/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Loft conversion/roof extension with dormers at front and rear; Single storey rear extension and installation of first floor Juliette balcony at rear; Formation of parking area at front and new boundary fencing

Location: 161 Bury New Road, Prestwich, Manchester, M25 9PJ

Description

The application relates to a two-storey semi-detached house on the A56. The attached neighbour has a single storey rear extension and the dwelling on the other side is as originally built. The neighbours to the rear have trees and shrubs on the boundary.

Planning permission is sought for:

- Gable roof extension to accommodate loft conversion with dormers at front and rear.
- Single storey rear extension with flat roof that would infill the area between the outrigger and the shared boundary but within the outrigger building line.
- Installation of first floor Juliette balcony at rear first floor bedroom.
- Formation of parking area at front.
- New boundary fencing 2m high between the rear outrigger and an existing boundary wall.

Materials would match existing although it is unclear what would be the proposed materials for the dormers. There would be large patio doors on the rear elevation. However, there is insufficient information regarding the side windows for which there are contradictions in the submitted plans.

There would be a separation of 12.1m to the rear boundary which has extensive tree and shrub planting.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 08/11/2021 sent to 12 neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Highways - The highways team has stated that the proposal has sub-standard vehicular and pedestrian access arrangements. The parking plan/ site layout plan is currently

inadequate and needs to show how the proposed materials for the new parking space (permeable/porous) or how it will drain, as well as the retention of the front boundary wall and to protect the existing street lighting column.

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
HT6/2	Pedestrian/Vehicular Conflict

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 SPD 6 seeks 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.

In terms of design and appearance the extension is generally in-keeping with the existing house. Situated largely at the rear, the extension would not be readily visible from the public arena, with the exception of the small front dormer and new parking space at the front. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

The second floor plan (loft conversion) as submitted is misleading and does not accurately reflect the shape of the roof and appears to be a direct copy of the first floor layout. The small front dormer is considered to be of an acceptable size, scale, and sitting in this position facing a public highway. However, with regards to the rear dormer SPD6 states that if not a pitch design, the roof should be 0.5m below the main pitch but this proposal is 0.2m below the main pitch. In this respect the extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6, although it is considered that the rear dormer would meet current permitted development rules.

Residential amenity - In terms of overlooking and privacy to the rear, the 12m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension appears to be acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. In terms of the unattached neighbour there appears to be no impact, however the windows on the side elevations and floorplan are inconsistent and therefore the absence of accurate information regarding window positions makes this difficult to evaluate. Similarly, is not possible to adequately assess overlooking of neighbours.

In terms of the general prominence and impact on daylight the ground floor extension is set off the shared side boundary and is to the north of Nr.159. The roof extension would have an impact on part of the rear garden of Nr.163 in the morning, however any overshadowing would not be seriously excessive above and beyond the existing situation.

The plans submitted are inadequate to evaluate the proposal. As such the proposed extension would be unacceptable and fail to comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal includes the provision of a new parking space at the front of the property that would measure 7.4m by 3m and be parallel to the existing driveway with no direct access from the public highway. It is therefore considered that the parking plan/ site layout plan is currently inadequate and fails to show the proposed materials for the new parking space (permeable/porous) or how it will drain, as well how it will achieve the retention of the front boundary wall and to protect the existing street lighting column. As such the proposed extension would be unacceptable and fail to comply with UDP Policy HT2/4 Car Parking and New Development, and SPD11 Parking Standards in Bury. However, these details can still be conditioned to ensure porosity.

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. Some aspects of the proposal that are missing such as parking arrangement could still be reasonably conditioned. However, overall, the proposed development fails to comply with UDP Policy EN1/2, H2/2, H2/3, and associated guidance in SPD6, plus UDP Policy HT2/4 and associated guidance in SPD11.

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.

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 parking plan/ site layout plan is currently inadequate and fails to show the proposed materials for the new parking space (permeable/porous) or how it will drain, as well as the retention of the front boundary wall to protect the existing street lighting column.
- Windows on the side elevations and floorplan are inconsistent.
- Proposed rear dormers do not meet current requirements and no details of materials were provided, as such its design would be detrimental to residential amenity of the neighbour to the north of the property.
- The second floor plan is misleading and does not accurately reflect the shape of the roof and appears to be a direct copy of the first floor layout (this point has not yet been communicated to the agent).
- No details of proposals for the garage (retention or removal is unclear).
- To achieve any planning approval sufficient information would have to be provided as requested.

However, no revised drawings were received.

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The application and submitted plans contain insufficient information to enable them to be properly assessed, particularly in terms of building elevations, floorplans, parking plan/site layout, and rear outbuilding pursuant to UDP Policy H2/3 -

DELEGATED REPORT

Extensions and Alterations and SPD 6 - Alterations and Extensions to to Residential Properties.

- 2 The proposal would result in the intensification of use of a site with sub-standard vehicular and pedestrian access arrangements from/onto A58 Bury New Road, which would be detrimental to highway safety, the safety of users of Public Footpath No. 21, Christ Church, Radcliffe and the free flow of traffic on the adjacent classified road pursuant to UDP Policy H2/3 - Extensions and Alterations and SPD 6 - Alterations and Extensions to Residential Properties; SPD11 - Parking Standards in Bury and HT6/2 - Pedestrian and Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	20/12/21	DM	20/12/21