

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/03/2023	Ref: 69348/FUL
Registration: 15/02/2023	LDFC: 23/03/2023	Expiry Date: 12/04/2023
Site Visit: 30/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony

Location: 56 Windsor Road, Prestwich, Manchester, M25 0DE

Description

The property is a bay fronted extended semi detached house. The front garden is all hard surfaced providing parking and to the rear is a fenced garden. The adjoining property is No.58 and has a patio doors to the party wall side with a lean to roof over and is then extended two/single storey. To the opposite side the site borders the rear gardens to 48 & 50 Edenfield Road. No.50 has a drive and detached garage alongside the site. These properties are at a slightly higher level. The rear site boundary borders the rear garden to 47 Windsor Crescent which sits with its side elevation facing.

Works have commenced on approval 66998 for a two storey extension to the side and rear, a single storey rear extension and a rear dormer. Following a complaint to, and investigation by, the enforcement team that works were not being carried out in accordance with the approved plans application 69064 was submitted. This was refused as the design was unacceptable with the side dormer wall forming part of the side brick gable wall. This scheme would see the dormer set in and below the ridge and comprises as follows.

A two storey extension at the side to the rear of the existing one. It would project for 5.8m of which 3.2m would project beyond the rear elevation for 3.6m across. At this point it would be set back by 1.1m to form a balcony for 4.3m across. The remaining 1m across to the party wall would be single storey and 3.2m deep. The loft would be converted to provide accommodation and a flat roofed dormer added to the rear slope. The integral garage would converted to a reception room.

Relevant Planning History

65792 - Two storey extension at side; Two/single storey extension at rear - AC 28/09/2020.
66998 - Loft conversion with rear dormer extension; Two storey extension at side; Two/single storey extension at rear - AC 09/08/2021.
68152 - Non material amendment following approval of planning permission 66998- Increase dormer loft width by 2.5m - Refused 15/03/2022.
69064 - Loft conversion with rear dormer extension; Pitched roof to existing bay at front; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony - Refused 13/01/2023.

Publicity

Surrounding neighbours were notified by letter and 3 responses have been received from 2 nearby neighbouring properties. Their concerns in summary are :-.

- Proposed balcony will overlook our garden and affect privacy
- 3 storey gable end causes loss of light, view and is oppressive

- Loss of privacy from side gable window
- Negative affect on neighbouring property values
- Building works and issues have had a negative impact on health
- Construction is poor quality.
- Object to 12 spotlights in gable roof line
- Workmen are inconsiderate
- Damage to neighbouring properties
- Not consulted under the Party Wall Act
- Bury Council departments only work on their own regulations. There should be someone, for complex builds, in a senior position taking an over arching view of the whole case.
- Public footpath has been blocked by building materials. Skip on road without lights.
- Work takes place 7 days a week to after 8pm. Noise from drilling and banging.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

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.

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.

Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

" the existing built development, including layout, form, scale, appearance, details, and materials;

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Visual amenity and design - The property is located on a plot that, due to levels, sees the side elevation highly visible in the street scene. Originally the existing two storey side extension had a flat roof. Approval 66998 was to extend with a pitched roof forming a side gable wall and a flat roofed dormer set in from the gable wall and its walls tile hung. The works that have been constructed, with the side of the dormer built up as part of the brick side gable wall, have been refused. It is now proposed to set the side dormer wall in by 300mm and by 300mm below the ridge and the walls to be tile hung to match the existing roof.

To the rear the two storey would have a hipped roof and the set back section, where the balcony would be, would also be hipped. Materials are noted to be brick work and roof tiles

to match the existing.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the 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 frontage of the property is fully hard surfaced as existing. There is no scope to add any parking and the proposal would not lose any area of parking. The area is high access in terms of available public transport. In this instance then there are not considered to be grounds for refusal with regard to parking.

Residential amenity - In relation to the adjoining No.58 the single storey would project 3.2m deep along the boundary. A 3m extension could be constructed under permitted development and as such it is not considered that the additional 0.2m would cause any significant loss of light or overshadowing to give grounds for refusal. Where two storey the proposed extension would not encroach a 45 degree line taken 1m out along the shared boundary which would comply with the criteria as set out in SPD6. The proposal includes a balcony which would be set 1m in from the boundary and the plans note an obscure glazed screen to the side to No.58. To the opposite end it would be screened by the two storey that projects deeper. A condition is added to ensure the screen is at 1.7m in height and retained as obscure glazed which would prevent loss of privacy. In terms of useable outside amenity space the balcony would be a small area and would be set 1m in from the shared boundary and at 2m out from the rear elevation of No.58 and therefore away from its first floor habitable room window.

50 Edenfield Road is located to the west side and slightly higher. Its rear elevation faces towards the site and is extended single storey. There would be 13m from the proposed two storey side wall to the original rear elevation to this property. The proposed window to the first floor side would be to an ensuite. A condition is added for it to be obscure glazed.

No.50 and 48 have rear gardens bordering the site. The proposed balcony would sit to the side of the two storey extension providing screening to this side and the balcony would be directly facing down the site garden.

There would be a distance in excess of 7m from the first floor bedroom window of the proposed extension, and from the balcony, to the rear boundary with 47 Windsor Crescent. There would be approximately 12m from the dormer to this boundary with the window also to a landing, a non habitable room.

The separation distances would comply with SPD6 Aspect Standards set out in order to provide sufficient privacy distances and prevent overbearing relationships.

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.

Response to objections - The issues regarding loss of privacy, separation distances and visual amenity are addressed in the above report.

Property value is not a planning matter.

Extension works are subject to Building Regulations to ensure they meet the required standards.

Excessive noise and disturbance would be dealt with under environmental legislation where appropriate. This would also be the case for light pollution.

Planning do not have control over who a homeowner may choose to carry out the work.

DELEGATED REPORT

Damage to a neighbouring property would be a civil matter between the two parties.
Notification under the Party Wall Act is the responsibility of the applicant.
The application is assessed and determined on planning matters only.
Blocking of the footpath or damage to it would be a matter for the Highway Authority to investigate.

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 BM/0521/WIND52/PL1, BM/0521/WIND52/PL2, BM/0521/WIND52/PL3 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 obscure glazed screen to the balcony shall be fitted, to a height of 1.7m from balcony floor level and be obscured glazed to level 5 and be permanently retained 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 first floor 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.
- 5 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	28/03/23	DM	03/04/2023