

DELEGATED REPORT

Report by Amanda

Date of report: 26/02/2024

Ref:70322/FUL

Uhunmwagho

Registration: 06/12/2023

LDfC: 08/01/2024

Expiry Date: 31/01/2024

Site Visit: 19/01/2024

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor front extension and front porch

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

Description

The application relates to a two storey detached house with gardens to the front and rear of the dwelling. The building has a brick finish with white cladding to the front elevation. Extending from the front elevation is a flat roof garage measuring around 6.9m in length. This has been previously converted into living accommodation but the garage door remains to the front elevation. There is parking to the front of the site for two vehicles.

Marle Croft consists mainly of two storey detached homes all with different styles. Numbers 3 to 13 Marle Croft are similar style properties to the building on site, with the garage extending to the front elevation. Some of these properties have been extended to the front.

The applicant proposes to build a first floor extension to the front projecting 4.5m from the existing two storey front elevation and extending across the full width of the garage conversion below. It would have a hipped roof. There would also be a porch measuring 2m x 2.2m which would have a mono-pitched roof measuring around 3m at its highest point.

Relevant Planning History

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

Publicity

6 neighbours notified on 13/12/2023 - Two objections received. A summary of the objections is listed below;

- The 4.5m or 3.5m first floor front extension would be not in-keeping with the neighbouring properties and one other application was previously refused based on its impact in the streetscene.
- The first floor extension would be disproportionately large for the size of the property.
- It would set an unwelcome precedent.
- Neighbouring extensions at numbers 5, 7, 9, 13 and 22 Marle Croft do not have an adverse impact on the streetscene but the proposed extension would.
- The extension would have an adverse impact on windows to the front of the next door property.
- The 45° line shown on the proposed drawing is not taken from the nearest habitable room window. There is a first floor bedroom window closest.
- The proposed extension could impact on privacy levels at no.13 next door.

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
EN1/2 Townscape and Built Design

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 -

The design of the proposed porch, and finished materials of both extensions would be considered to be in-keeping with the existing building, as well as with neighbouring properties.

However, the first floor extension projecting 4.5m over the existing single storey garage conversion to the front of this house would result in the building being a large, incongruous, alien feature in the existing street scene that would project significantly forward of other properties in the row. Numbers 3 to 13 Marle Croft are all similar buildings and they are characterised by the main two storey dwelling set well back from the highway in front with the single storey garage sections to the front. Some of these properties do have first floor extensions to the front but they are much smaller than what is proposed at no.11. The addition of such a large first floor extension on this property would be overly strident and dominating and as such would be seriously detrimental to the character of the existing street scene.

Therefore the proposed extensions would not be considered in-keeping with the current street scene and the structure would set a very unwelcome precedent for future developments along this particular road. The design of the proposal is not considered acceptable in this location. As such the proposal does not conform 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 proposed porch would be considered to be non-habitable space. As such its distance from the shared boundary with no.13 to the south and the front boundary would be acceptable in terms of SPD 6 and it would not have any significant detrimental impact on residential amenity at the adjacent property.
- The position of the proposed porch would not have any detrimental impact on parking spaces within the site.
- Properties to the front of the site would be more than a sufficient distance from the proposed development not to have any significant detrimental effect on residential amenity at those properties.
- The proposed first floor extension would project 4.5m forward of the existing two storey front elevation. The agent has noted the 45° measurement on the proposed site plan which clearly shows that the proposed extension would contravene this rule in respect of the ground floor habitable room window to the front of no.9 next door. Considering the proposed height of the extension and that the site is positioned directly south of this property it would have a significant detrimental effect on light to this particular window as well as the garden areas to the front of the property which would be unacceptable in terms of SPD 6.
- The extension would be around 6m from the shared boundary with no.13, to the south and this property has a blank two storey elevation adjacent to the boundary. As such the proposed extension would not cause any significant detrimental harm in terms of residential amenity at this property.
- There are tall conifer type trees and other planting along the shared boundary with no.13, on both sides of the boundary, which screen views of the front of this particular neighbouring site.
- The first floor extension would not have any detrimental impact on the existing parking arrangements within the site.

Taking the above into account the proposal does not conform to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of the 45° rule from nearest

relevant window of no.9 Marle Croft next door.

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 a drive to the front which can accommodate up to 2 vehicles. The proposed extensions would not have any detrimental impact on the existing parking arrangements and there are no parking restrictions to the highway in front. There is also public transport available close by. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

The concerns of the neighbours have been addressed in the report above.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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 proposed development would constitute a prominent and incongruous element and design that would be seriously detrimental to the visual amenity of the streetscene by reason of its height, size and position within the plot. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 Extensions and Alterations, EN1/2 Townscape and Built Design and associated SPD6 Alterations and Extensions to Residential Properties.

- 2 The proposed first floor extension would be seriously detrimental to the amenities of the adjacent property by reason of its height, size and position close to the shared boundary. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated 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 - 26/02/2024			