

DELEGATED REPORT

Report by Amanda

Date of report: 09/10/2023

Ref:69882/FUL

Uhunmwagho

Registration: 08/08/2023

LDfC: 30/08/2023

Expiry Date: 03/10/2023

Site Visit: 14/09/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Hip to gable roof extension at side and loft conversion with rear dormer

Location: 46 Oak Lane, Whitefield, Manchester, M45 8ET

Description

The application relates to a two storey, bay fronted semi-detached house on Oak Lane, Whitefield. There is a garden to the front with lots of planting and a low brick boundary wall along the front and railings along the shared boundary with no.48 Oak Lane. There is a driveway to the front/side of the dwelling leading to a detached garage at the rear and the boundary is open to no.44 Oak Lane to the south. To the rear of the property is a small conservatory and a private garden with fences and planting to all boundaries.

The proposal is to convert the existing hipped roof to a gable as well as adding a flat roof dormer to the rear and rooflight to the front. The plans also show that there would be a ridge height increase of around 300mm.

Relevant Planning History

02788/E - Remove hip and form gable end with rear dormer - Enquiry completed
25/11/2022

Publicity

Eight neighbours notified on 09/08/2023 - No comments or objections received.

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

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.

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 Council will seek to ensure that proposals for dormer/roof extensions preserve the character of the street scene, especially where dormers on existing neighbouring properties are absent. Proposals for dormer/roof extensions will be assessed against the following criteria;

- dormers with pitched roofs should not project above the original ridge line. In all other cases the roof of the dormer should be 0.5 metres or more below the main ridge line;
- dormer windows should seek to line up vertically with existing windows and match their style and proportions;
- any dormer which results in undue overlooking of a neighbouring property will be unacceptable and dormers will be expected to maintain normal aspect standards;
- conversion of existing flat roofs to pitched roofs is generally considered acceptable;

and

- proposals to increase the height of a house or bungalow by extending the roof can appear incongruous and will be assessed on its impact on the character of the street scene and amenity of neighbours. In these cases a street scene elevation will be required to show the impact of the increased ridge height on the character of the area.

The proposal not only includes the hip to gable roof conversion and rear dormer, it also includes a ridge height increase of 300mm. This was confirmed by the agent. Had this property been detached the increase in roof height may not have been as much of a concern, but given the dwelling is a semi-detached house the ridge would be 300mm higher than the attached property. This would result in the building appearing incongruous on the pair of semis and in the wider streetscape, and it would therefore be unacceptable in terms of visual amenity and contrary to UDP Policy H2/3 and guidance in SPD6.

Residential Amenity -

- There would be around 20m from the front of the dormer to the rear boundary. This distance would be more than sufficient in terms of SPD 6 and there would be no concerns regards residential amenity at properties to the rear.
- Any views from the dormer would be over the applicant's own garden and not directly towards the adjacent neighbouring properties.
- The hip to gable roof conversion could be constructed as permitted development, but as it would be to the north of no.44 Oak Lane next door it would not have any significant detrimental effect on light at that property.
- Properties to the front of site would be a sufficient distance away from the site not to be significantly detrimentally affected by the proposal.
- As the extensions would be to the roof only there would be no impact on existing parking arrangements within the site.

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

Parking -

The proposal would increase the number of bedrooms from 3 to 4 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 detached garage to the rear as well as a driveway which could accommodate two further vehicles. This would remain after the property would be extended. The area is also high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Revised drawings -

The applicant and agent were advised that any development higher than the existing ridge would not be supported and they were given the opportunity to revise the drawings by lowering the ridge so that it would be in line with the existing one. They were also asked to ensure the proposed dormer would be lower than the ridge. They declined the offer to revise the drawings and advised that the application should proceed with the original submitted drawings. As such the proposal would be considered unacceptable for the reasons stated in the visual amenity section of this report.

Pre-application enquiry -

An pre-application enquiry was submitted in November 2022. The case officer spoke with the builder who advised that they knew the development might be permitted development, but they had had a lawful development certificate refused at another council. He advised the officer at the time that they would probably just apply for planning permission.

No plans were submitted with the pre-application enquiry, but there were a couple of

indicative photos, with a sketch of where the proposed dormer and the hip to gable roof conversion. The sketches provided with the pre-app showed that the ridge of the new roof would be built in line with the existing ridge and the dormer would not be any higher than the ridge.

It is possible that had the applicant chose to build as suggested in the pre-application enquiry that they may have been able to undertake works as permitted development, which could be confirmed with an LDC application. However, the plans which have been submitted with the application show a ridge height increase of 300mm, on a semi-detached property, which would be considered unacceptable in terms of visual amenity, as discussed in the report above.

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 proposed development would, by reason of the new ridge height being 300mm higher than the attached property, be a prominent and intrusive feature in the street scene and neither appropriate to, nor sympathetic with the existing structure, or the attached property and therefore, would be significantly detrimental to the visual amenities of the area. 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 - 09/10/2023			