

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 08/02/2022

Ref:67889/FUL

Registration: 09/12/2021

LDfC: 12/01/2022

Expiry Date: 08/02/2022

Site Visit: 22/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension; first floor balcony at rear and addition of ground floor window to left hand side elevation

Location: 6 Wilton Avenue, Prestwich, Manchester, M25 0HD

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. There is a small rear single storey outrigger, and there are two ramshackle sheds in the small rear yard which appears somewhat cramped, plus a third shed at the front. The attached neighbour has a single storey extension at the rear and the neighbour on the other side is as originally built. There are no trees and shrubs on any boundary.

Planning permission is sought for a single-storey extension that would project out 5.0m and have a flat roof including a balcony but entirely enclosed by a timber fence. Materials for the rear ground floor extension would match existing. There would be a new side window for a small office (non-habitable room) plus two rooflights for the second floor bedroom (which is currently windowless).

It should be noted that the proposed ground floor rear extension is almost identical to one approved (66924) in 2021, the main difference being the additional side window and the first-floor balcony, plus two roof lights for the second floor.

Relevant Planning History

66553 - Prior approval for proposed single storey rear extension. – Prior Approval Not Required, March 2021

66924 - Single storey rear extension – Approved June 2021

Publicity

Immediate neighbours notified by letter dated 20/12/2021 sent to 4 (four) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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 SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character

or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the single storey extension is generally in-keeping with the existing house, proposed to match existing materials, and being situated at the rear, it would not be readily visible from the public arena. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate. Additionally, there are other extensions visible nearby and as such the ground floor extension itself would not be out of character with the locality.

However, the first-floor balcony would be entirely enclosed by a 1.8 high fence constructed with timber, erected on top reaching a height of 5.0m above ground level. Its design is considered to be out of character for this house and location plus it would be highly visible as viewed from neighbours properties and have a detrimental impact on the streetscene. The absence of any natural screening (eg. tree and shrub planting) would further fail to mitigate the impact on the residents to the rear. It is therefore considered

In this respect the extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

There would be a separation of just 2.2m from the extension to the rear boundary, and just 4.4m from the balcony to the same boundary. Consequentially there would be an inadequate amount of outdoor amenity space at the rear. Additionally, the position of the proposed balcony would normally result in inadequate separation distances to the neighbours rear garden. Although the timber fence height of 1.8m does provide screening albeit contrary to visual amenity as discussed above, it is noted that any reduction in the proposed height of the balcony fence would then be contrary to residential amenity

Also, the creation of a balcony of that scale in that location would bring a concentrated area of noise adjacent to bedroom spaces (the nearest being at Nr.4) where there would be a highly likely impact upon neighbour's amenity.

The extension does not technically meet SPD6 with regards to the '45-degree rule' because the position of the extension is within the line of the '45-degree' line as measured from the neighbours rear primary ground floor window. However, both sides of the applicant's back yard already have a tall fence (approx. 1.8m high) and therefore there is no overall change in impact on views or natural light to either neighbour.

In terms of the general prominence and impact on daylight affecting neighbours the single storey extension is set off the shared side boundaries and is to the west of the main house with an existing 1.8m high fence around the rear yard. As such any overshadowing would not be seriously excessive above and beyond the existing situation.

In terms of the impact on residential amenity of residents, the proposed extension layout would result in the existing (rear) living room/ proposed playroom having no direct sunlight. Although this is not ideal the proposed layout would be such that the playroom can be opened up to allow natural light to enter via the (front) dining room.

The proposed office habitable window on the south elevation is a non-habitable window for a small room and is therefore considered to be acceptable.

In this respect the extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways – No change to parking or access.

Conclusion – In consideration of the above, it is considered that the proposed development would not be acceptable in terms of the design, and sitting, of this development. While the single storey element is considered to be broadly acceptable, it is considered that the proposed fence erected around the balcony above the first-floor extension would be detrimental to the character of the area and have a detrimental impact on neighbouring residential amenity, but any adjusted reduction in its height would then cause significant overlooking of neighbours contrary to residential privacy. As such, the proposed development is therefore considered to be unacceptable and fails to comply with UDP Policy H2/3 and associated guidance in SPD6. The single storey extension itself is largely the same as approved in 66924 and the applicant therefore has this fallback option available to them.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan. EN1/2, H2/3, and SPD6.
- 2 The design of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan. EN1/2, H2/3, and SPD6.
- 3 The development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with the following policies 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>
SGR	08/02/2022		