

DELEGATED REPORT

Report by Helen Pressley	Date of report: 11/01/2023	Ref: 69055/FUL
Registration: 28/11/2022	LDFC: 28/12/2022	Expiry Date: 23/01/2023
Site Visit: 15/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey front extension; Single storey side extension

Location: 509 Bury Old Road, Prestwich, Manchester, M25 3DE

Description

The application relates to a semi-detached dwelling house located on Bury Old Road. The site is located on a corner plot, on the junction of Bury Old Road and Poppythorn Lane. The premises is located at an elevated position compared to the highways to the front and side and is screened by trees and planting along the boundaries.

Planning permission is sought for the construction of a two storey front extension that projects approximately 3000 mm to the front of the original dwelling, and a single storey extension that projects approximately 2500mm to the side.

Relevant Planning History

None

Publicity

Neighbour letters sent 7/12/2022. 1 objection received in relation to

- Loss of light
- Out of character

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

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

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.

SPD 6 confirms that generally, there will be a presumption against large extensions at the front of properties due to the need to protect the character of the street scene. The dwelling is the end property, within a crescent shaped row where front additions, if there are any, are limited to small porches or original bay windows. The style of the dwellings to the north of the site differ in style, but again front additions are limited to bay windows and dormers none of which project to the extent of the proposed front extension. It is considered that the proposed two storey, 3 metre extension to the front of the property would project excessively from the front wall and would not reflect the proportions of the original dwelling or the neighbouring properties. The elevated position of the dwelling would further increase its impact, in terms of position in the street scene. It is considered that the proposed two storey front extension 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.

It is noted that there is existing planting to the boundaries of the site that currently act as a partial screen for the dwelling when viewed from Bury Old Road, however these trees are not protected by means of TPO, are not considered to be significant enough to warrant protection and some fall outside of the control of the applicant. As such, the trees and

planting can be removed and the screen would be removed.

SPD 6 confirms that single-storey side extensions on corner plots should not normally occupy more than half of the available width of the side area or should normally leave a minimum of 2m from the back of the public highway to the side wall of the proposed extension. In this instance there is no gap proposed between the side elevation and the adopted highway, however approximately 2.6 metres of the adopted highway is comprised of banking that provides a visual gap between the proposed extension and Poppythorn Lane. As such the location and projection of the side extension is considered to be acceptable.

Whilst the proposed front extension would have a dutch hip roof replicating the shape and style of the original property, the extension is narrower than the adjacent dutch hip and therefore the angle of the roof is different. The combination of the slopes of the existing roof, proposed roof, and proposed single storey lean to style roof appears confused. Additionally the termination of the area of render above the eaves of the proposed side extension appears awkward. Whilst these are minor design details that could be amended through negotiation, given that the overall scale and massing of the proposed front extension is unacceptable these amendments have not been sought in this instance.

Overall, it is considered that the proposal fails to comply with UDP Policy H2/3 and SPD 6 and should therefore be refused.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

SPD 6 rules for two storey side extensions applied to the front extension in terms of residential amenity and potential overbearing relationships. The proposed two storey front extension would project more than 1 metre beyond the front elevation of No. 507, but would not impact on a 45 degree line as taken from the 1 metre point on the boundary complying with guidance. The proposed two storey front extension would not project beyond the principal elevation of No. 511.

There are a number of side windows within No.511 that would face towards the proposed single storey side extension. As these windows are not located within a principal elevation aspect standards have not been applied.

No side windows are proposed facing towards No. 507 and No. 511. The proposed front windows would be separated from the directly facing properties by a highway, and would have an onward view of the side garden of 520, and Polefield Hall Road rather than habitable room windows. The proposed rear ground floor window would be screened by existing boundary treatments. Due to the nature of rooflights no overlooking is foreseen.

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 two storey front extension 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 policy(ies) 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> Helen Pressley	<u>Date</u> 11/01/2023	<u>Sign off Officer</u>	<u>Date</u>
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