

DELEGATED REPORT**Report by** Amanda**Date of report:** 19/10/2022**Ref:**68573/FUL

Uhunmwagho

Registration: 11/08/2022**LDfC:** 06/09/2022**Expiry Date:** 06/10/2022**Site Visit:** 16/09/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 4**Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Single storey rear extension, Dormer at rear**Location:** 9 Hardman Close, Radcliffe, Manchester, M26 4HY**Description**

Planning permission was previously granted at this property in October 2021. The previously approved scheme was with regard to a single storey rear extension projecting 6m from the original rear elevation which would have had a flat roof with parapet wall. A first floor rear extension was also approved, projecting 1m from the original dwelling with a mono-pitched roof. A dormer on the rear was approved along with a front porch and new drive way.

The current proposal is seeking approval for a pitched roof single storey rear extension projecting 6m from the original rear elevation and rear dormer. Other works to the front of the dwelling are being carried out as part of the previous approval.

Relevant Planning History

67090 - Two/single storey rear Extension, Dormer at rear and front porch - Approve with Conditions 19/10/2021

67975 - Lawful development certificate for existing - Revision, substitution of a double storey rear extension (approval ref: Case : 67090) to a single storey Pitched roof rear extension under the "Larger Homes Scheme: - Withdrawn by Applicant 21/03/2022

22/0106 - Two storey/single storey rear extension and dormer at rear and front porch - 26/07/2022

Publicity

Neighbours notified on 15/08/2022 - 4 objections received. A summary of their objections are listed below.

- Overlooking/privacy.
- The dormer overlooks most of the neighbouring rear gardens and is overbearing.
- The dormer has been built to the maximum size and the large glass doors would impact the privacy to neighbouring gardens.
- The single storey rear extension extends over most of the garden.
- They thought there was to be a flat roof on the rear extension, not a pitched one as built.
- The footprint of the extension seems far more than practical or what has been approved.
- The works are not in keeping with the appearance of the rest of the properties along Hardman Close.
- The porch at the front is not in keeping with its flat roof and extra wide wall to one side which blocks light from next door as there is no glass in the porch. Other porches along the road have pitched roofs and symmetrical walls.

- The single storey extension with pitched roof would result in loss of light and overshadowing to their property and it surpasses the 45° rule.
- The size of the extension and dormer size is in my opinion been stretched to the extreme under the development of larger homes scheme.
- The application is not correct to plan. The windows to the second floor are not correct and the external finish on the dormer is of grey wood effect and not brick slip as detailed on the application.
- They are amazed that it has been processed. It is a complete invasion of mine and my family's privacy. The glass fronted Dormer directly over looks my Children's bedrooms, my back garden and both Of my bathrooms.
- I've already made a complaint on a previous application however it seems that the LA will pass just about anything as long as the price is right. I'm really annoyed at the amount of Corruption and/or Incompetence displayed by Bury Council. I shall take this matter up with the township group and MP.

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.

Currently there are no other properties along the east side of Hardman Close which have rear dormers. There is one to a property on the opposite side of the road which does and at least three bungalows on Brookbottom Road to the rear of the site also have dormers to the front, side and rear of the dwellings.

Although the applicant has included the rear dormer as part of the proposal it is noted that they could build the structure under permitted development rules, without the need for prior planning approval. It has been built with materials and a design that is considered acceptable on this style of property. With this in mind there is no reason to refuse the rear dormer as built.

The single storey rear extension has been built with materials and a design that compliment the existing property whilst modernising its appearance. The design is considered acceptable in this location and given that the development is to the rear of the building there would be no significantly detrimental effect on the character of the existing street scene.

At the front of the property a porch has been constructed as part of the previously approved planning application and the applicant will also be creating a new drive way, as per the previous approval.

Given the above the proposal conforms 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-

A single storey rear extension, also projecting 6m was approved as part of the previous proposal. The main difference is that the approved extension would have had a flat roof with parapet wall, as oppose to a pitched roof and it would have had an overall height of 3.08m.

The pitched roof of the built extension slopes up, away from both adjacent boundaries with the ridge being around 2.4m away from either side boundary. It measures 2.3m to the eaves with an overall height of 3.83m. If the applicant reverted back to building the single storey extension as previously approved the side elevations would measure 3.08m high

along both adjacent boundaries, which would be around 780mm higher than what has been built.

With this in mind the pitched roof single storey extension would be considered less detrimental in terms of any overshadowing of the adjacent gardens, than the flat parapet roof previously approved and in this instance the pitched roof extension is considered acceptable.

As the extension would project 6m from the original rear elevation the 45° rule would be compromised in terms of the nearest relevant ground floor window on the rear elevation of no.7 Hardman Close next door, which is positioned closer to the shared boundary with no.5 to the north side. There is a door closest to the shared boundary. However the 25° rule, regards the height of the extension, is satisfied in terms of the effect on the relevant ground floor window at no.7 and as such any impact on light travelling over the extension towards this property would be considered negligible.

The 25° and 45° rules would be contravened in terms of the position of the single storey rear extension compared to the patio doors to the rear of no.11, directly adjacent to the shared boundary. The site is due north of no.11 and with the natural path of day light being to the southern side any impact on day light would not be considered significantly detrimental. In addition, taking the larger homes scheme in to account and that the neighbour at no.11 has not objected to the proposal the projection of 6m would be considered acceptable in this instance, especially as a single storey extension with a 6m projection has already been approved on the site.

As the rear extension would be single storey only any views from the rear window and door would be over the applicant's land only.

The agent has also signed certificate A on the application form confirming that all aspects of the development would be built wholly within the site boundary.

The rear dormer could have been built under Permitted Development rules. With this in mind despite the fact there were neighbour objections to this part of the development there is no reason to refuse it.

The applicant is in the process of obscuringly glazing the balustrade on the dormer which would ensure privacy to users of the new room and surrounding neighbours. A condition would be added stipulating that the balustrade should remain obscuringly glazed at all times in the future.

There would be three new windows installed at first floor level on the rear of the dwelling. These would serve a bathroom, landing and stair well. As these rooms are all classed as non-habitable it is considered that they would not have any significant detrimental impact on residential amenity at properties to the rear of the site.

Works to the front of the site are being carried out as per the previous planning approval.

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 2 to 3 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 2 parking spaces. There are two existing parking spaces on land opposite the front of the site and the new drive way to the front of the site would create a third. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient

Response to neighbour objections -

Most of the neighbour's concerns have been addressed in the report and with the submission of revised plans on 06/09/2022.

With regards to the rear dormer, users of this room may have clear views over neighbouring gardens to the rear but as the applicant could build a dormer without the need for planning permission there would be no reason to refuse it.

The front porch and new drive way to the front of the property are being carried out as per the previous planning approval ref 67090.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawing numbered RC.H.Plan:05 Rev B received on 20/06/2022 and revised drawings numbered RC.H.Plan:01 Rev A, RC.H.Plan:02 Rev D, RC. H.Plan:03 Rev D and RC.H.Plan:04 Rev A received on 06/09/2022 as modified by the email from Designby Ltd dated 06/09/2022. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 2 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 3 The balustrade of the rear dormer hereby permitted 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 19/10/2022			