

DELEGATED REPORT

Report by Jane Langan	Date of report: 13/11/2023	Ref: 69976/FUL
Registration: 18/09/2023	LDfC: 14/10/2023	Expiry Date: 13/11/2023
Site Visit: 05/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with amendment to balcony; New cladding to front elevation; Installation of 2 ventilation mechanical intake extract units to side elevation

Location: 56 Windsor Road, Prestwich, Manchester, M25 0DE

Description

The property is a bay fronted extended semi detached house. The front garden is all hard surfaced providing parking and to the rear is a fenced garden. The adjoining property is No.58 and has a patio doors to the party wall side with a lean to roof over and is then extended two/single storey. To the opposite side the site borders the rear of 48 & 50 Edenfield Road. No.50 has a drive and detached garage alongside the side of the site. These two neighbouring properties are at a slightly higher level. The rear site boundary borders the rear garden to 47 Windsor Crescent which sits with its side elevation facing.

Works commenced on approval 66998 for a two storey extension to the side and rear, a single storey rear extension and a rear dormer. Following a complaint to, and investigation by, the enforcement team that works were not being carried out in accordance with the approved plans application 69064 was submitted. This was refused as the design was unacceptable with the side dormer wall forming part of the side brick gable wall. Application 69348 was submitted to address this by setting the dormer 0.3m below the ridge and in from the side of the roof and tile hanging the walls to match the main roof. Following further investigation by the Enforcement Team it has arisen that there are further breaches to the approved scheme. The balcony has not been built flush to the rear wall, the front elevation has been clad in cream tiles and three extraction units have been added to the side elevation.

These alterations have been added to this proposal and the extensions and this submitted application comprise of :-

A two storey extension at the side to the rear of the existing one. It would project for 5.8m of which 3.2m would project beyond the rear elevation for 3.6m across. At this point it would be set back by 1.3m to form a balcony for 4.3m across. The remaining 1m across to the party wall would be single storey and 3.2m deep. The loft would be converted to provide accommodation and a flat roofed dormer added to the rear slope. The dormer is proposed to be set 0.2m below the ridge and 0.2m in from the roof edge which would see it built from the side wall level. The integral garage would converted to a reception room.

Relevant Planning History

65792 - Two storey extension at side; Two/single storey extension at rear - AC 28/09/2020
66998 - Loft conversion with rear dormer extension; Two storey extension at side;
Two/single storey extension at rear - AC 09/08/2021
68152 - Non material amendment following approval of planning permission 66998-

Increase dormer loft width by 2.5m - Refused 15/03/2022

69064 - Loft conversion with rear dormer extension; Pitched roof to existing bay at front; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony - Refused 13/01/2023

69348 - Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony - AC 04/04/2023.

Publicity

Surrounding neighbours were notified by letter and 1 response has been received from a nearby neighbour. Their concerns in summary are :-

- Position of extract units. Inches above garage and visible from rear windows and garden. Should be relocated to the rear of the site.
- Loss of privacy from side bathroom window
- Fascia board spot lights are not addressed in notification letter. Cause light pollution to rear of my property

Statutory/Non-Statutory Consultations

Environmental Health (Pollution Control) - No comments to make.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

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.

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.

Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

" the existing built development, including layout, form, scale, appearance, details, and materials;

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Visual amenity and design

The property is located on a plot that, due to levels, sees the side elevation highly visible in the street scene. Originally the existing two storey side extension had a flat roof. Approval 66998 was to extend with a pitched roof forming a side gable wall and a flat roofed dormer set in from the gable wall and its walls tile hung. The works that have been constructed, with the side of the dormer built up as part of the brick side gable wall, have been previously refused. It is now proposed to set the side dormer wall in by 200mm from the

roof edge and by 200mm below the ridge and the walls to be tile hung to match the existing roof. With the dormer wall set in from the roof edge and the separation from the fascia boards, as shown on the plans, the resulting development would appear as a dormer addition rather than the current poor design of a flat roofed brick extension.

To the rear the two storey would have a hipped roof and the set back section, where the balcony would be, would also be hipped. Materials for the extension are not noted on the form however the brickwork and roof tiles are matching the existing.

The tile cladding to the front elevation appears out of keeping with the building and character of the area. Whilst finishes to domestic properties can vary, in this instance the cladding appears as an incongruous feature in the street scene.

Due to the prominent location of the site the extraction units are visible from the main street view and appear out of place and intrusive. The plans show 2 extract units however as can be seen from the site photos there are 3 on the side elevation.

In conclusion, for the reasons as stated above, the extensions are considered acceptable but the cladding and extraction units are not and would be seriously detrimental to the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 4 to 7 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 frontage of the property is fully hard surfaced as existing. There is no scope to add any parking and the proposal would not lose any area of parking. The area is high access in terms of available public transport. In this instance then there are not considered to be grounds for refusal with regard to parking.

Residential amenity -

Extensions - In relation to the adjoining No.58 the single storey would project 3.2m deep along the boundary. A 3m extension could be constructed under permitted development and as such it is not considered that the additional 0.2m would cause any significant loss of light or overshadowing to give grounds for refusal. Where two storey the proposed extension would not encroach a 45 degree line taken 1m out along the shared boundary which would comply with the criteria as set out in SPD6.

50 Edenfield Road is located to the west side and is higher. Its rear elevation faces towards the side of site and it is extended single storey. There would be 13m from the proposed two storey side wall to the original rear elevation to this property. The proposed window to the first floor side would be to an ensuite. Its obscure glazing can be controlled by means of condition.

There would be a distance in excess of 7m from the first floor bedroom window of the proposed extension, and from the balcony, to the rear boundary with 47 Windsor Crescent. There would be approximately 12m from the dormer to this boundary with the window also to a landing, a non habitable room.

The separation distances would comply with SPD6 Aspect Standards set out in order to provide sufficient privacy distances and prevent overbearing relationships.

Balcony - The proposal includes a balcony which would be set 1m in from the boundary with No.58 and the plans note an obscure glazed screen to the this side. This could be controlled by means of condition to be maintained as obscure glazed and to 1.7m in height from balcony floor level. To the opposite end the balcony would be screened by the two storey that projects deeper. In terms of useable outside amenity space the balcony would be a small area and would be set 1m in from the shared boundary and at 2m out from the rear elevation of No.58 and therefore away from its first floor habitable room window.

No.50 and 48 Edenfield Road have rear gardens bordering the site. The proposed balcony would not be flush to the rear elevation but its projection is minimal and it would sit to the side of the two storey extension providing screening to this side and the balcony facing directly down the site garden.

There would be a distance in excess of 7m from the balcony to the rear boundary with 47 Windsor Crescent which would be sufficient to comply with SPD6 aspect standards and No.47 sits with its side elevation to the site boundary.

Extraction Units - The rear elevation of 50 Edenfield Road faces towards the extraction units which are located on the boundary, above the roof level of the garage to No.50. The rear garden to this neighbouring property is raised from the application site and units are clearly visible. A specification for the units has been provided with the application but no noise survey. The units produce a level of noise and given that they have been positioned on the boundary of No.50 it is considered that they are an unneighbourly feature both in terms of the noise they would emit and to the outlook from the private amenity space of No.50. It is noted that on consultation with the Pollution Control Section they have responded with no comment however this does not outweigh the concerns with regard to the amenity of No.50 and the units could be better positioned within the applicants curtilage.

As the proposal includes elements that are unacceptable and contrary to UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties in terms of visual and residential amenity it is recommended that the application is refused.

Response to objections - The impact of the first floor side window and extraction units on the relevant neighbouring properties are addressed in the above report. The fascia board spot lights are not included in the application and in general external lighting is not included on householder applications. Any light pollution from a property would be dealt with under environmental legislation where appropriate.

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 cladding to the front elevation is neither appropriate to, nor sympathetic with the existing building, and would be seriously detrimental to the visual amenity 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
- 2 The proposed extraction units would, by reason of their 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 of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning

Document 6: Alterations and Extensions to Residential Properties

- 3 The proposed extraction units would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 50 Edenfield Road, by reason of their position adjacent the 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>
JL - 13/11/2023			