

DELEGATED REPORT

Report by Amanda

Date of report: 29/12/2021

Ref:67200/FUL

Uhunmwagho

Registration: 02/09/2021

LDfC: 23/09/2021

Expiry Date: 28/10/2021

Site Visit: 06/10/2021

Site Notice: N/A

Press Date: N/A

Objections: 3

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey rear and side extension; single storey rear extension; increase in height of roof; juliette balcony to the rear

Location: 8 Mayfair Grove, Whitefield, Manchester, M45 6BQ

Description

Planning permission was approved at this property on 01/05/2020 for virtually the same development. The current proposal would be the same as previously approved at ground and first floor levels. The difference between the current proposal and the one previously approved is that the applicant is now proposing to raise the ridge of the roof to create a bedroom and bathroom in the roof space.

The application relates to a red brick semi-detached house at the end of residential cul-de-sac of similar properties. The attached neighbour has a single storey flat roof extension at the rear. On the other side, there is an unmade access track to some domestic timber garages and there is a footpath to the side of the site. At the rear there is a treed embankment to the Metro line.

It is proposed to extend above the existing garage at the side. Part of the front elevation would be rendered. The side and rear elevations would be cedar wood cladded. At the rear the single and two storey extensions would project out 3.9m with the two storey element extending 3.5m before it drops to single storey which extends to the boundary with the attached neighbour across 5.2m.

The roof would be increased in height by 700mm as stated on the revised plan. It would be a traditional pitched roof from front to rear and there would be a parapet wall to either side. Whilst the side extension would have a more traditional design with a pitched roof, the rear would have a more contemporary appearance with a cedar wood finish and flat roof.

Relevant Planning History

65309 - Two storey rear and side extension; Single storey rear extension - Approve with Conditions 01/05/2020

67754 - 1.8m Fencing to the side - undecided to date.

Publicity

Immediate neighbours notified on 02/09/2021 - Three objections received from neighbours at numbers 4, 6 and 7 Mayfair Grove. Their objections have been noted below.

4 Mayfair Grove -

- They questioned whether more neighbours should have been notified of the proposal.
- They point out that there is a general dislike for the way the applicant has progressed with the works on his site, including the erection of a new fence to the side and rear of the site and on going mess to the front.

- The alteration to the roof height would be out of keeping with the attached properties in the row.
- Grey roof tiles when there has always been slate roofs on the properties.
- It would become a five bedroomed house on a cul-de-sac with limited parking and access.
- The applicant advises he doesn't want to be overlooked but a first floor balcony would allow him to overlook everyone else.

6 Mayfair Grove -

- Five bedrooms would mean more people living in the area which already has problems.
- They advise there are 9 properties on Mayfair Grove with 15 vehicles between them. Parking is difficult and turning around at the end of the street is sometimes impossible. Adding more residential space could mean more vehicles which would compound the problem.
- When the applicant erected a fence along the shared boundary with their property, as the previous one needed replacing, they advise they agreed with the applicant but the fence was a lot higher than they expected. They state that the applicant advised he didn't want to be overlooked but he is proposing a balcony which would overlook everyone.
- The rear extension might reduce light to their kitchen.
- The raising of the roof height may adversely affect their roof.
- The rear extension would cause them to lose their kitchen waste grid. They advise that when the fence was erected the grid ended up being on the applicant's side of the fence and there have been discussions about land ownership. They are concerned that when the grid is repositioned they may not have access to it.

7 Mayfair Grove -

- I consider the person submitting the plans is not a fit and proper person to make sure the work is carried out with respect to neighbours.
- He has already erected a tall fence adjacent to a public footpath, contrary to planning laws.
- He has extended his garden fence which has incorporated a street lamp which is leaning due to his carelessness while carrying out his alterations.
- He has been carrying out alterations to his property for over 2 years and the surrounding area looks like a scrap yard.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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.

As previously approved the size and scale of the extension is in keeping with the existing house. The side extension would have a pitched roof to match and whilst this would be different to other properties along Mayfair Grove the applicant could convert the existing roof from hipped to pitched without prior planning permission and as such this would not be a reason for refusal of the current proposal.

The previously approved proposal did not include an increase of the ridge height to the property and in most instances it would not be considered acceptable to raise the ridge of one property where an attached property would not be raising theirs. However, in this instance the application property is situated at the head of a small cul-de-sac at the end of a short row of four dwellings and the Metrolink tracks run past the rear of the site. Given that Mayfair Grove is not a through road and the property is at the end of the road views of this property would be limited. With this in mind it is considered that the raised ridge height would not have any significant detrimental effect on the character of the existing street scene.

Although there would normally be concerns about the flat roof design at the rear, it is considered that the render to the house and cedar wood finish to the rear extensions lends itself to a more contemporary appearance. Given the position of the house at the end of the cul-de-sac and the proposed cedar wood finish the proposed extensions are considered to be acceptable in terms of visual amenity and streetscape as a traditional tiled roof above the timer finish would appear rather incongruous.

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 -

With the attached neighbour at No.6 having a single storey extension at the rear, adjacent to the shared side boundary, the proposed rear extension would only project about 1m beyond the neighbours rear elevation and thus would not be overbearing nor have a significantly detrimental impact on residential amenity. With no windows facing directly towards the neighbour's property, there are no overlooking issues arising. Views from the proposed Juliet balcony would be over the applicants rear garden only. The proposal, in terms of residential amenity, is acceptable and complies with UDP Policy H2/3 and associated guidance SPD6 on alterations and extensions.

Parking and Access -

Although the garage would be only about 4m deep, the proposed block plan shows that the parking area would measure 5m x 4.88m which would be more than adequate for one vehicle but could also possibly accommodate a second vehicle as well. As such there would be sufficient parking on site and this complies with UDP Policy H2/3 and guidance.

Refuse -

Refuse bins would be stored at the rear and brought to the front on collection day, the side access. This is acceptable and complies with UDP policy and guidance.

Response to neighbour objections -

Most of the concerns of the neighbours have been addressed in the report above.

Although some of the current objections are regards the proposed extension including a Juliet balcony to the rear the ground and first floor elements of the proposal are identical to that which has already been assessed and subsequently approved via application ref 65309.

Land ownership concerns are a civil matter which would need to be addressed between the applicant and the relevant neighbour privately and plans for any existing and/or proposed drainage would be addressed as part of the Building Control process or the applicant may need to liaise with United Utilities privately.

The boundary fence has been erected without planning permission but the applicant has since submitted a planning application for this which is being addressed as a separate application.

The state in which the site is being kept would not be a reason to refuse the proposal. The property is currently in the process of renovation and some disruption is to be expected. However, if the neighbours are concerned about the state of the site in terms of its impact on the highway, or environment then the relevant Council team would investigate.

Regards the neighbours which were notified about the proposal numbers 6 and 9 Mayfair Grove were initially informed as number 6 shares a boundary with the site and number 9 is directly opposite the front. These were the only properties which the Council were legally obligated to inform but any member of the public is able to comment on planning applications via the Council website.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to location plans and proposed loft floor plans received on 28/06/2021, street scene drawing received on 01/09/2021, proposed block plan, proposed south side elevation, existing location plan and existing floor plans and elevations received on 02/09/2021 as well as revised elevation drawing received on 02/12/2021 and revised proposed north side elevation received on 09/12/2021 as modified by the emails from Mr Simon King. 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.
- 3 Details of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy H2/3 Extensions and Alterations guidance within SPD 6 Alterations and Extensions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 29/12/2021		DM	04/01/2022