

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 10/02/2022	Ref: 67756/FUL
Registration: 25/11/2021	LDfC: 21/12/2021	Expiry Date: 20/01/2022
Site Visit: 06/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 6	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front porch; Single storey rear extension; Conversion of loft with 1 rear dormer and 2 front dormers; Raising roof ridge height

Location: 61 Prestwich Hills, Prestwich, Manchester, M25 9PY

Description

The property is a detached house located on a residential estate. It has been previously extended to the front and rear and is fully rendered. There is off street parking at either side of the front two storey and paths each side lead to the rear. From the rear of the house is a patio then a grassed area at a raised level with retaining walls. To the north side boundary is a brick outbuilding and the rear boundary is screened by conifers. There is a detached outbuilding on the patio close to the boundary with no.63 Prestwich Hills next door.

The neighbour to the south side is No.59 is a two storey detached property and the gardens separated by a 2m fence. To the opposite side No.63 is also separated by a 2m fence and the outbuilding on the site along the boundary. It has been extended with a conservatory at the rear.

For the purpose of this application the proposal has been split in to two parts. Part A is in respect of the single storey rear extension and Part B includes the front porch, raising of the ridge height for a loft conversion and proposed front and rear dormers.

Proposal A - The single storey rear extension would project 3.72m from the rear elevation of the property and it would measure a total of 9.92m wide. The extension would incorporate the existing out building which would be accessed from inside the single storey extension. The roof would be flat with raised roof lantern to the centre.

Proposal B - The front porch would project 1.3m forward of the existing two storey front extension and it would measure 5.3m wide. It would have a mono pitched roof. The roof height would be increased from 7m to 8.5m. There would be two pitched roof dormers to the front of the building and a flat roof rear dormer.

A planning application for a front porch and single storey rear extension was previously submitted under reference 62558 where the front porch was refused and the single storey rear extension was approved.

Relevant Planning History

- 52610 - Rear Double Storey Extension, Double Storey Porch Extension, Front Canopy and Rain Shelter - Approve with Conditions 14/07/2010
- 58313 - Two storey extension at front with canopy; Two storey extension at rear - Approve with Conditions 16/02/2015
- 16/0278 - Front porch; rendering and rear fencing unsafe - 30/06/2016

- 60357 - Variation of conditions 2 & 3 of planning permission 58313 to show the front and side elevations to be fully rendered and alterations to the size and position of windows and doors and additional windows to the south east side elevation - Approve with Conditions 18/08/2016
- 60652 - A: Glass canopy to the rear elevation; B: Erection of a new front porch - Split Decision 17/11/2016
- 62558 - A: Orangery at rear; B: Erection of front porch - Split Decision 25/04/2018

Publicity

Neighbours notified on 30/11/2021 - 6 objections have been received from individuals from 4 different properties. A summary of the objections are listed below;

- The property is already over developed and is not in keeping with the surrounding houses on the estate. The proposed extension will further add to this.
- The plans to significantly raise the height of this property would mean that the new rooms on this new storey would look directly downwards into the two front bedrooms of their property. This is an unacceptable invasion of privacy.
- The significant proposed height of this property would dwarf every other property on the estate.
- Loss of light to neighbouring properties due the increased height.
- The expansion of this property in its height would also cause an environmental impact on their house as the new height will block sunlight.
- Residents at no.61 have four large cars which are permanently parked outside the property and overhang the pavement in front. The proposed front porch would result in even less space for the parking of cars within the site which could mean pedestrians have to walk in the road to avoid the parked cars.
- Overhanging cars create a blind spot on the bend. This is a safety hazard for pedestrians and people in cars.
- The extension to the front including the porch would create further light pollution from a house which is already has many bright lights on the front elevation.
- A loft conversion will mean more people living at the property, more vehicles and greater noise.
- Privacy concerns regards overlooking of rear gardens from the proposed rear dormer.
- They would feel intimidated by the sheer size of the property in close proximity to theirs.
- They believe the plans proposed would be even further away from the general aesthetics of the other houses on the estate.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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.

Proposal A - Located to the rear of the property the single storey orangery would not be visible from the main street view and is considered acceptable in size and design in this location and would conform with 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.

Proposal B - With reference to the front porch. SPD6 Section 4.4 gives a general presumption against large extensions at the front of properties due to the need to protect the character of the streetscene. Small extensions or porches may be acceptable subject to the following criteria :-

- "They do not have a detrimental impact on the character and appearance of neighbouring properties and general street-scene through poor design, siting or excessive bulk"

- Extensions will not be permitted if they project excessively from the original front wall.

The proposed porch would be acceptable in terms of its design and materials and would be considered in keeping with the existing house. However, in terms of its position on the property it would project out from the previously extended front of the property leaving a gap of approximately 1m to the public footpath at the shorter north side. Given the scale of the previous extensions it is considered that the addition of the porch would add excessively to the front of the house and in its proximity to the public footpath would appear out of character and as an intrusive feature in the streetscene.

In addition to the front porch the proposal to increase the height of the existing property by around 1.5m with two quite large pitched roof dormers to the front would add to the excessiveness of this property's appearance in the street scene. If the roof height is raised the property would tower above no.63 next door by about 2.5m and it would be around 1m higher than no.59 on the opposite side. The existing property is already very prominent in the street scene. If the property is extended as proposed it would result in a very large, incongruous building in the street scene which would dwarf the neighbouring house to the north side (no.63).

In respect of the rear dormer although this may be acceptable in terms of visual amenity as it would be built on the rear of the property and therefore unseen in the street scene at the front it could not be constructed separately to the rest of the development and as such cannot be supported at this time.

Given the above proposal B does not conform 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 -

Proposal A - The orangery would be built to a height of 3.4m and run adjacent the boundary with No.63 which sits at a slightly lower level. The house is positioned with a gap to the boundary and is extended at the rear with a conservatory. The proposal would not encroach the 45 degree line taken from the rear of this property as extended. There is also a shed to No.63 which is located between the conservatory and the 2m high side fencing.

To the opposite side to No.59 the proposal would also comply with the 45 degree rule and the orangery would be set in by around 3.6m from the boundary with separating fencing over 2m.

Given the land to the rear of the property slopes up away from the dwelling there would be no concerns regards overlooking of neighbouring properties to the rear. It would infill the patio area with the lawned area remaining providing adequate amenity space

As such it is considered that proposal A would not have a significant detrimental impact on the amenity of the adjacent neighbouring properties or properties to the rear and would conform to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Proposal B -

- The porch would be set in from the boundary with each of the adjacent neighbouring properties and would not impact on their outlook. Properties to the front of the site would be around 18m from the front of the proposed porch. As the porch would not be considered to be a habitable room this separation distance would be acceptable in terms of SPD 6.
- The site currently has two parking spaces at the front (albeit the one to the north of the site appears to be sub-standard). Given the position where the porch would be built it would not have an impact on either of the two existing parking spaces. Although the

porch may be acceptable in terms of residential amenity due to the concerns with regards to visual amenity and its impact on the character of the street scene it would not be considered acceptable.

- There would be around 23m from the front dormers to no.64 Prestwich Hills to the front of the site and around 20m to no.3 The Downs at the rear, although this property does not directly face the site. With this in mind these separation distances would be acceptable in terms of SPD 6.
- The rear dormer would be just over 10m from the rear site boundary. This distance would be acceptable in terms of SPD 6.
- As there would be no new habitable room windows to either side elevation it is considered that there would be no significant detrimental impact on privacy at either of the adjacent properties.
- The proposal to raise the ridge height by 1.5m would undoubtedly have a seriously detrimental effect on the path of daylight to the adjacent property at no.63 Prestwich Hills which is positioned to the north west side of the site. The application property is already significantly higher than this property. If it would be increased in height and the rear dormer added it would result in no.63 and its gardens being overshadowed for much of the day. This would be unacceptable in terms of SPD 6.
- Whilst there may be some detrimental impact on light to no.59 next door due to the additional height of the building this property is positioned south east of the site it is considered that any impact on light availability at no.59 would be minimal.

Taking the above in to account the proposal does not conform to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Highway Safety - The Traffic Section weren't consulted on the current proposal but they did recommend refusal on the previous application (ref 62558) on the grounds that the porch would restrict visibility for emerging vehicles and therefore be detrimental to pedestrian safety which is a valid concern. They also raised the issue of existing problems with vehicles straddling the footway when parking at the property. Whilst this is a highway concern parking outside the applicants curtilage is not within planning control and there would be sufficient space to park at least one vehicle off street which would comply with SPD6.

Response to neighbour objections - The concerns of the neighbours have been addressed in the report above.

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

In respect of Proposal A - 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.

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

In respect of Proposal B - 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: Split Decision

Conditions and Reasons:

- 1 In respect of Proposal B - The proposed development would, by reason of its size, position and design, be a prominent, incongruous 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
- 1 In respect of Proposal A - 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 In respect of Proposal A - This decision relates to drawings numbered 9064/121, 9064/122, 9064/101, 9064/111 and 9064/001 and the development shall not be carried out except in accordance with the drawings 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 proposed development would be seriously detrimental to the amenities of no.63 Prestwich Hills, next door by reason of its height, size and position. 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 In respect of Proposal A - 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 10/02/2022			