

DELEGATED REPORT

Report by Amanda

Date of report: 28/11/2024

Ref:71195/FUL

Uhunmwagho

Registration: 26/09/2024

LDFC: 28/10/2024

Expiry Date: 21/11/2024

Site Visit: 16/09/2024

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Erection of rear outbuilding

Location: 1 Ringley Chase, Whitefield, Manchester, M45 7UA

Description

The application relates to a large two storey detached dwelling. There have been several planning applications at the site, one of which was for the demolition of the original dwelling and to rebuild the existing property. There is a wall and railings along the front boundary with planting to the edges of the driveway. At the rear of the property there is a private garden with walls to all boundaries. There are trees and other planting to the rear boundary. To the west side of the site there is a single storey extension to the main dwelling. This runs along the whole of the west side boundary. The garden is on two levels and is mostly paving with areas of grass. There is a flat roof store/shed to the east side boundary.

The proposal is to remove the existing store/shed and build an outbuilding in its place. The front elevation (closest to the house) would measure 5000mm wide and the rear wall would measure 6500mm wide. The building would measure around 7300mm deep. The overall height of the building would be 3325mm but it would measure around 2770mm on the east side elevation adjacent to the boundary with no.5 Ringley Chase and the corner of the roof to that side would be chamfered away from the boundary. The roof would be flat with aluminium trim to match the existing gym extension to the opposite side of the garden and the walls would be rendered white to match the rest of the property.

Relevant Planning History

- 56925 - Erection of detached dormer bungalow with existing hard standing for car parking and maintaining the existing vehicular access to the site with associated landscaping - Approve with Conditions 29/04/2014.
- 60865 - First floor extension at side and external alterations including balcony at rear - Approve with Conditions 27/01/2017.
- 61778 - Demolition of existing dwelling and erection of 1 no. replacement dwelling - Approve with Conditions 05/10/2017.
- 62098 - Removal of conditions 3,4,6, and 7 of planning permission 61778 - Withdrawn - Invalid 15/12/2017.
- 03005/E - Erection of garden pavilion - Enquiry completed 17/09/2024

Publicity

6 neighbours notified on 07/10/2024 - one objection received on the grounds that the proposed building would overshadow their garden if they redesign their garden in the future.

Revised drawings were emailed to the objector on 20/11/2024. No further comments have been received from the neighbour.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
PFE	Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Given the location of the proposed outbuilding being to the rear of the dwelling it would not be visible in the public realm at all. It would be built with materials and a design that would be considered to be in keeping with the existing building.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- Any views from the outbuilding would be over the applicant's garden only.
- There would be no windows to the east side and rear elevations adjacent to shared boundaries with no.5 Ringley Chase and no.29 Ringley Road.
- There are trees and other planting along the rear boundary in the garden at no.29 Ringley Road, which screen most ground floor views of the site. If the planting was to be removed the rear elevation of the outbuilding would be partially visible above the existing boundary wall. However, it would be the neighbour's decision to remove planting and as such the height of the outbuilding would be considered acceptable in this instance.
- The east side elevation would be around 400mm off the shared boundary fence and the height of the wall would be around 2770mm, at which point the roof would be chamfered up, away from the boundary to the full height of the building. This amendment was proposed in order to reduce any possible impact of the building on the rear garden at no.5 Ringley Chase next door. As the site is due west of no.5 any development along the shared boundary could have some detrimental impact on the path of sunlight to the rear of no.5 in the latter part of the day.
- At no.5 next door there is a covered shelter type structure directly adjacent to the shared boundary with the site as well as a lot of planting. This area is raised slightly to the rear garden and there are steps leading down to a patio and a small pond. Given the amount of planting and the garden structure at no.5, the proposed outbuilding on site would not be overly visible from the neighbour's rear garden, especially as the side elevation would be chamfered. It is noted that if the neighbour were to remove planting and the garden structure the proposed outbuilding would be a lot more visible. However, as for the neighbour on Ringley Road the removal of anything along the shared boundary would be in the control of the owner of no.5. As such there would be no reason to refuse the proposal.
- The changes to the garden layout would not have any impact on residential amenity at neighbouring properties.

Taking the above into account 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the driveway at the front of the site.

Response to neighbour objection -

The neighbour's objection has been addressed via the submission of revised drawings which show that the east side of the roof would be chamfered, in order to reduce the height of the building adjacent to the shared boundary.

The impact of the outbuilding has also been addressed in the Residential Amenity section of the report.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the 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, and Places for Everyone Joint Development Plan listed.

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 drawings numbered NA(-)000, NA(-1)000 and NA(-2)000 received on 26/09/2024 and drawings numbered NA(-1)001_Rev 01, NA(-2)001_Rev 01, NA(-4)000_Rev 01, NA(-4)001_Rev 01, NA(-4)010_Rev 01 and NA(-4)011_Rev 01 received on 18/11/2024 as modified by the email from Northern Architects Ltd dated 18/11/2024. 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 Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 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 - 28/11/2024		HL 28/11/24	

