

DELEGATED REPORT

Report by Tom Beirne	Date of report: 17/01/2024	Ref: 70181/FUL
Registration: 07/11/2023	LDFC: 29/11/2023	Expiry Date: 02/01/2024
Site Visit: 29/11/2023	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: Two storey rear extension with juliette balcony, single storey side/rear extension and porch extension at side

Location: 78 Ringley Road, Whitefield, Manchester, M45 7LN

Description

The application relates to a two storey red brick semi-detached house on a residential road of similar properties. There is a conservatory to the rear and driveway to the side. The attached neighbour has a single storey extension at the rear, adjacent to the boundary.

The proposal involves demolishing the conservatory at the rear and extending out from the rear elevation in the form of a part two storey/ part single storey extension. The single storey element would project back 7m and run across the width of the house, projecting out to the side 3.5m, leaving a gap of just over 1m to the side boundary with No.80 Ringley Road.

The two storey element at the rear would project out 4m on the western side of the rear elevation and step in to a 1m projection adjacent to the shared side boundary with the attached neighbour. The extension would create additional family accommodation at ground floor and an extended bedroom, en-suite and bathroom at first floor bedroom.

The side porch would comprise a narrow, pitched roof canopy just over 1m wide.

The extension would be finished in red brick and slate to match the existing house.

Relevant Planning History

57465 - Single storey extension at rear with decking and steps with handrails down to garden level - Approve with Conditions 21/05/2014

67183 - Demolition of existing conservatory and erection of sun lounge at rear - Approve with Conditions 28/09/2021

Publicity

Immediate neighbours notified by letter dated 08/11/2023. Objection from the attached neighbour.

The proposed extension to the bedroom adjoining our party wall will compromise the light into our house and the view from our house.

Additionally, the proposed balcony onto this bedroom will be an invasion of our privacy. It would be possible to look back from the balcony directly into our house through numerous upstairs windows and directly down into our ground floor skylights and garden.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Visual amenity - The extensions and alterations are to the rear of the property and not particularly prominent or readily viewed from the public highway to the front. The extensions would not be out of keeping with the existing property and finished in red brick to match the house. In terms of visual amenity the proposal is acceptable and comply with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

Residential amenity - The impact of the extension on the unattached neighbour at No.80 would not be significant as the roof closest to the side boundary with this neighbour has been amended from a gable to a hipped roof. There are no first floor windows directly overlooking neighbours. Two narrow study windows face across the the side boundary with No.80 but with the existing boundary planting, there is no significant impact on privacy.

The single storey extension projecting out over 9m from the rear of the attached neighbour along the shared boundary mitigates the impact of the proposed single storey extension. The proposed single storey projection of 1.4m beyond the neighbour's outrigger would be acceptable and would not impact on residential amenity. At first floor, the extension projects out 1 metre along the shared boundary with the attached neighbour before it is angled in at 45 degrees. In terms of the outlook from the first floor bedroom window, closest to the boundary, this would be acceptable and comply with UDP Policy and guidance.

The original proposal indicated an external balcony at first floor level, adjacent to the shared side boundary. This was a concern in relation to potential noise and disturbance to adjacent occupiers. As a result the balcony area has been omitted and there is now only a Juliette balcony over the first floor bedroom window. This amendment would help protect residential amenity and is deemed acceptable and complies with UDP Policy and guidance.

Access and Parking - There is sufficient room on the existing driveway and frontage to park at least three cars and this is considered acceptable and complies with UDP Policy H2/3 and guidance.

Objection - The objection from the neighbour with regard to overlooking and privacy has in part been addressed by the removal of the open balcony area and replacement with a Juliette on the rear bedroom window. The issues with regard to outlook and impact on light are not serious enough to warrant refusal of planning permission.

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 Sheets 2 - 9 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 Unitary 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	17/01/2024		