

DELEGATED REPORT

Report by Mo Warsame	Date of report: 12/03/2025	Ref: 71537/FUL
Registration: 20/01/2025	LDFC: 21/02/2025	Expiry Date: 17/03/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing conservatory and erection of two storey side extension; first floor front extension and single storey rear extension

Location: 27 Ringley Chase, Whitefield, Manchester, M45 7UA

Description

The application relates to a detached property located on Ringley Road. The dwelling has been extended with conservatory to the rear. Parking is provided to the front in front of the integral garge. There is also an area of private residential amenity space located to the rear.

Planning permission is sought for the demolition of existing conservatory and erection of two storey side extension; first floor front extension and single storey rear extension.

The first floor side exenson would be constructed above the existing single storey side element (the garage, playroom, utility etc.). The two storey side element would infill the existing enclave that exists between the utility area and the kitchen. The proposed single storey rear extension would project from this point, extending 3m to the rear. The development would facilitate a more open plan layout with internal alterations to both ground and first floors. The proposal would not accommodate additional bedrooms. The proposed development would have pitched roofs and would be constructed using matching msterials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 31/01/2025. One objection received.

Comments:

The proposed extension fails to meet the required separation distance, which is in place to protect residential amenity. The objecting party states the proposed development would severely block natural light to our property and compromise the privacy I currently have, making my living environment far less enjoyable.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed consist of a single storey side/rear extension, first-floor side extension and a

two storey side extension all with simple and unobtrusive designs that would not detract from the character of the dwelling. The proposed development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The single storey rear extension with its modest projection of 3m would be acceptable. Furthermore, there would be sufficient distance to the rear boundary.

However, in terms of the general prominence and impact on daylight the proposed first-floor extension and the two storey side element would be within close proximity to the neighbouring properties, and in particular No.25. The proposed first floor extension would be 7 metres from No.25. SPD6 states that extensions maintain a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) in one property and a two storey blank wall of a neighbouring property. Additionally, the proposed extension would be to the west of these properties and therefore overshadowing would be seriously excessive above and beyond the existing situation.

The position of the proposed first-floor extension, in relation to adjoining residential properties, by reason of its height, size and position would result in a negative impact on residential amenity due to its close overbearing position an unacceptable reduction in the level of sunlight enjoyed by the occupiers of that adjoining property. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

Response to Objections

Regarding the received comment, there would be serious impact on the general prominence and impact on daylight of the adjacent neighbouring properties. Therefore, the concerns are valid.

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

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: Refuse

Conditions and Reasons:

- 1 The position of the proposed first-floor extension, in relation to adjoining residential property(s), by reason of its height, size and position would result in a negative impact on residential amenity due to it's close overbearing position an unacceptable reduction in the level of sunlight enjoyed by the occupiers of that adjoining property. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	12/03/2024	HL -	13/03/2025