

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 07/12/2021	Ref: 67759/FUL
Registration: 05/11/2021	LDfC: 03/12/2021	Expiry Date: 31/12/2021
Site Visit: 07/11/2021	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor rear extension; Rear dormer loft extension

Location: 58 Ringley Road, Whitefield, Manchester, M45 7LN

Description

Planning permission was recently refused at this property for a similar project which would have had a larger first floor extension. The current proposal is for a rear dormer and a smaller first floor extension than the one recently refused.

The application relates to a two storey, red brick detached house which fronts on to Ringley Road with Stand Close to the rear. There is a single storey extension to the rear of the property and driveway for one vehicle. There are no parking restrictions to Stand Close at the rear. The rear elevation of no.8 Stand Close is positioned to the east side of the site and there are several windows in the elevation facing the site.

The proposal is to build a first floor rear extension as well as a rear dormer. The first floor extension would be built directly above the existing single storey converted garage. It would project 4150mm and it would measure 3110mm wide.

The dormer would be built on the rear of the roof and its roofline would be of the same design as the existing roof. The loft extension would provide a sixth bedroom and a new bathroom.

Relevant Planning History

- 29245 - First floor extension at side over existing study - Approved with conditions 21/12/1993.
- 47426 - First floor side extension; room in the roof and rebuilding new roof - Refused 22/02/2007.
- 67170 - First floor extension at rear and dormer extension at rear - Refused 08/09/2021.

Publicity

Immediate neighbours notified on 12/11/2021 - One objection received from the owner/occupier of 8 Stand Close. Their objection is shown below;

After looking at these plans closely, we again object to this planning application. The proposed first floor extension is far too close to the bedroom window of 8 Stand Close, minimum separation distances between habitable windows and flank walls are 13 meters and this proposed scheme will be a lot less than that.

Additionally this proposed extension would still create a detrimental loss of light to both windows of the bedroom of 8 Stand Close which is contrary to planning policy.

Page 9 of the Bury Council Planning Document "Alterations and Extensions to Residential Properties" also confirms the above objections.

We would also like to draw your attention to planning permission application 47426 and

application 67170 which were also refused. Scheme looks extremely close to the previous one. Therefore for the reasons listed above, we object to the proposed plans - application reference 67759

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.

The rear of this site is fully visible from the main street scene on Stand Close which runs along the rear of numbers 58 to 62 Ringley Road. The proposed first floor extension would be built with materials and a design that would be considered in-keeping with the existing building, as well as with the adjacent properties and as it would not project past the rear elevation of 8 Stand Close next door it would not appear discordant in the existing street scene.

A rear dormer of a similar size and design could be built at this property under Permitted Development rules. The dormer has been designed to follow the style of the main roof of the dwelling and it would be cladded with materials that would be considered acceptable on this property.

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 -

Two planning applications in respect of a first floor extension have been refused at this property in February 2007 and September 2021 due to the possible detrimental impact on residential amenity at 8 Stand Close next door.

When an application was submitted in 2007 it was not possible to determine what rooms the windows at 8 Stand Lane served as there was no recent planning history. Since then there has been 2 planning applications at 8 Stand Close (ref 56125/66346). It appears that this property was most likely extended to the side many years ago and would not have been subject to the same aspect standards which are enforced now, hence the close proximity of first floor rear windows to the shared boundary with the site.

On inspection of approved plans at 8 Stand Close it was found that the closest two first floor windows on the rear elevation, which would be affected by the proposed first floor extension are to a hallway and a bedroom. The bedroom window is one of three windows to this particular room. There is a large window to the front, a window to the rear and a smaller window to the side.

Following refusal of the latest application the applicant/agent has submitted a similar proposal but the first floor extension would project 4150mm from the main rear elevation which is 2695mm shorter than previously proposed. By reducing the projection of the proposed first floor extension the impact of the structure on the rear bedroom window next door would be greatly reduced.

The extension would extend across part of the bedroom window next door but given that there are other windows to this room, with the principle window being to the front less weight is given to the rear window which is only a couple of metres from the shared boundary. In addition as the extension would not project beyond the rear elevation of no.8 next door light and views would not be completely restricted. With this in mind, although there would be a detrimental impact on the first floor rear bedroom window at this property it would not be considered detrimental enough to warrant refusal of the application on these grounds.

The proposed dormer would be built mostly on the original roof space and would be a sufficient distance from properties to the rear not to have any significant detrimental effect on residential amenity. The windows in the dormer would have views towards the rear of the site and not directly over the adjacent neighbouring properties or gardens.

As the extensions would be to the first floor upwards only there would be no changes to the current parking arrangements.

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 in terms of separation distances to surrounding properties.

Response to neighbour objection -

The concerns of the neighbour 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

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.

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 468-01, 468-02, 468-03, 468-04, 468-05, 468-06, 468-07A, 468-08, 468-09B, 468-10, 468-11A and 468-12B 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.
- 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 - 07/12/2021		DM	07/12/2021