

DELEGATED REPORT

Report by Jane Langan	Date of report: 01/07/2022	Ref: 68266/FUL
Registration: 11/04/2022	LDfC: 23/06/2022	Expiry Date: 06/06/2022
Site Visit: 16/05/2022	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side; Single storey extension at rear.

Location: 14 Ringley Road West, Radcliffe, Manchester, M26 1DJ

Description

The property is a semi detached house and has been extended two storey at the rear and single storey at the side with a garage. It has a garden and parking to the front and to the rear a fenced garden with planting along the boundaries. The rear boundary of the site borders the rear garden to 30 Stand Rise and a small section to Nos. 28 & 32. These properties are at a lower level. The adjoining neighbour is No.16 and to the opposite side are maisonettes 12 & 12A.

The application proposes a two storey extension at the side coming out 3m and running along for 12.4m to the level of the existing rear elevation as extended. It would then reduce to single storey for a further 6m in depth for 3.9m across then reducing to 3m in depth for the remaining 4.4m across. The extension would provide a hall, dining room, study and family room with the first floor forming a dressing room, bathroom and two ensembles.

Relevant Planning History

39233 - Erection of attached garage at side and two storey rear extension - AC 03/07/02
39720 - Garage at side & two storey rear extension - AC 27/11/02
40453 - Two storey extension at side & rear - Ref 31/03/03

Publicity

Surrounding neighbours were notified by letter on 05/05/22. A further 14 day letter was sent 09/06/22 regarding the amended and reduced extension. 3 responses have been received from nearby neighbours. Their comments/objections in summary are :-

- Extension still covering the same footprint as the double story which has been refused. Will still have the same issue with the water draining into my garden as situated lower. This situation has been ongoing since the first extension was built.
- Concerned about the single story extension to the rear there will still be windows over looking our property.
- Due to the size of extension there will be very little garden left for natural drainage. Due to the side extension becoming level with the front of the building roughly one third of the driveway will be built on. Does this mean that the remainder of the garden will be concreted over adding to more surface water going down the sewer system.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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.

Visual amenity and design - The proposed side extension would come to within 1.25m of the side boundary. SPD6 can require the distance to the boundary and a first floor set back to add up to 1.5m in order to prevent the potential for a terracing effect. In this instance with the adjacent building being the maisonettes with entrance doors and stairs to the side it is unlikely that this elevation would be built to. As such it is not considered necessary to request a 0.25m set back to the first floor front of the proposal at this particular site. The proposed extension would have a hipped roof running from the main ridge and along

the side with the addition of a dormer type window to the ensuite. To the rear the main roof would be hipped and the single storey also hipped with the shallow section a monopitch. Materials are noted to be brickwork/render and roof tiles to match the existing house.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposed extension would be built on the side drive however there is parking to the front of the property for 2 cars and potential for further if the applicant should require it. The area also has public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - In relation to the adjoining No.16 the proposed extension would be single storey. It would be a 3m extension to the existing two storey extension which is 4.6m deep. Set 2.7m in from the boundary and north facing it would not cause any significant loss of light or overshadowing to the garden to this neighbouring property or its main windows. There would be one window to the side of the proposal however as it would be set 2.7m in from the boundary at ground floor it would not cause any loss of privacy to any unacceptable level. There is fencing and planting providing some screening along the boundary and fencing up to 2m can be added if required.

To the opposite side the two storey side would run along the side to the maisonettes 12 & 12a which have doors and stairs to the side and only one small window to the first floor. In terms of the principle windows to the rear of this building the proposed extension where two storey would not encroach a 45 degree line from the mid point of the closest window. The proposed single storey would be such a distance away it would not encroach the 25 degree line. The proposal would have hall windows and a dining room window along the ground floor side where there is screening from fencing/conifers and the side elevation of 12/12a has no ground floor windows. Whilst it is unlikely 12/12a would be extended an informative is added regarding the proposed site dining room window that it would not be treated as a habitable room window for any future applications to this neighbouring property. The proposed windows to the first floor side would be to ensuites and a bathroom and are noted to be obscure glazed and non opening to 1.7m from inside floor level. A condition is added for them to be retained as such.

To the rear there would be a distance in excess of 7m from the proposed first floor rear window to the boundary and the window would also be to a non habitable room and level with the adjacent existing habitable room window.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour objections/comments -

The issues regarding privacy in terms of the location of windows and distance to boundaries to the relevant neighbouring properties are addressed in the above report. Drainage is a constructional matter in terms of the extension and which would be dealt with under Building Regulations. Garden drainage is not a planning matter, the applicant has responsibility for their own property and impact on a neighbouring property would be a civil matter.

An informative is added regarding the requirement for porous materials/natural drainage to any replacement drive surfacing.

DELEGATED REPORT

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 3048-01, 3048-02 and 3048-03 revised plans received 08/06/22, existing and proposed site plans 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 Before the first occupation of the extension hereby permitted the windows to the first floor east side elevation shall, as noted on the approved plan, be fitted with obscured glazing and be non opening to 1.7m from inside floor level and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	01/07/22		